



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-29102022-239939  
CG-DL-W-29102022-239939

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY  
साप्ताहिक  
WEEKLY

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सं. 41] नई दिल्ली, अक्टूबर 9—अक्टूबर 15, 2022, शनिवार/ आश्विन 17—आश्विन 23, 1944  
No. 41] NEW DELHI, OCTOBER 9—OCTOBER 15, 2022, SATURDAY/ASVINA 17—ASVINA 23, 1944

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

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भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

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भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

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वित्त मंत्रालय  
(व्यय विभाग)

नई दिल्ली, 22 अगस्त, 2022

**का.आ. 954.**—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, भारतीय लेखापरीक्षा और लेखा विभाग में भारत सरकार के निम्नलिखित कार्यालय जिसमें अस्सी प्रतिशत कर्मचारियों ने हिन्दी कार्यसाधक का ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है, अर्थात:-

1. प्रधान निदेशक, लेखापरीक्षा (केन्द्रीय) कार्यालय, चेन्नई, शाखा कार्यालय कोच्ची।
2. प्रधान महालेखाकार (लेखापरीक्षा) कार्यालय, दिल्ली, नई दिल्ली।
3. प्रधान महालेखापरीक्षा कार्यालय (कृषि, खाद्य और जल संसाधन) नई दिल्ली।
4. महालेखाकार (लेखापरीक्षा) कार्यालय, बिहार, पटना।

[फा. सं. ए.- 12034/02/2021- ईजी]

ऐनी जॉर्ज मैथ्यू, विशेष सचिव

**MINISTRY OF FINANCE****(Department of Expenditure)**

New Delhi, the 22nd August, 2022

**S.O. 954.**—In pursuance of sub – rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Government of India in the Indian Audit and Accounts Department, in which eighty per cent. of the staff have acquired the working knowledge of Hindi, namely :-

1. Office of the Principal Director of Audit (Central) Chennai, Branch Office Kochi.
2. Office of the Principal Accountant General (Audit) Delhi, New Delhi.
3. Office of the Principal Director of Audit (Agriculture, Food and Water Resources), New Delhi.
4. Office of the Accountant General (Audit), Bihar, Patna.

[F. No. A-12034/02/2021-EG]

ANNIE GEORGE MATHEW, Addl. Secy.

**वित्तीय सेवाएं विभाग**

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 955.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री संजीव कौशिक के स्थान पर डॉ. एम. पी. तन्निराला (अपर सचिव, भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग) को तत्काल प्रभाव से और अगले आदेशों तक, इंडियन बैंक के बोर्ड में निदेशक नामित करती है।

[ईफा. सं. 6/2/2022-बीओ-1]

संजय कुमार मिश्र, अवर सचिव

**DEPARTMENT OF FINANCIAL SERVICES**

New Delhi, the 14th September, 2022

**S.O. 955.**—In exercise of the powers conferred by clause (b) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Central Government hereby nominates Dr M. P. Tangirala (Additional Secretary, Government of India, Ministry of Finance, Department of Financial Services) as Director on the Board of Indian Bank, with immediate effect and until further orders, *vice* Shri Sanjeev Kaushik.

[eF. No. 6/2/2022-BO-1]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 26 सितम्बर, 2022

**का.आ. 956.**—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, केनरा बैंक के कार्यपालक निदेशक श्री देबाशीष मुखर्जी (जन्म तिथि: 9.5.1965) की केनरा बैंक के कार्यपालक निदेशक के पद की वर्तमान अधिसूचित अवधि, जो दिनांक 18.2.2023 को समाप्त हो रही है के पश्चात उनकी अधिवर्षिता की तिथि अर्थात् दिनांक 31.5.2025 तक अथवा अगले आदेशों तक, जो भी पहले हो, केनरा बैंक में कार्यपालक निदेशक के पद पर पुनर्नियुक्त करती है।

[ईफा. सं. 4/5/2017-बीओ-1]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 26th September, 2022

**S.O. 956.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, Central Government hereby re-appoints Shri Debashish Mukherjee (DoB: 9.5.1965), Executive Director, Canara Bank as Executive Director, Canara Bank beyond his currently notified term which expires on 18.2.2023, till the date of his superannuation i.e. 31.5.2025 or until further orders, whichever is earlier.

[eF. No. 4/5/2017-BO.I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 26 सितम्बर, 2022

**का.आ. 957.**—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, इण्डियन ओवरसीज बैंक के कार्यपालक निदेशक श्री अजय कुमार श्रीवास्तव (जन्म तिथि: 15.10.1967) की इण्डियन ओवरसीज बैंक के कार्यपालक निदेशक के पद की वर्तमान अधिसूचित अवधि, जो दिनांक 8.10.2022 को समाप्त हो रही है, के पश्चात अथवा दिनांक 1.1.2023 को या उसके बाद इण्डियन ओवरसीज बैंक में प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी का पदभार ग्रहण करने तक अथवा अगले आदेशों तक, जो भी पहले हो, इण्डियन ओवरसीज बैंक में कार्यपालक निदेशक के पद पर पुनर्नियुक्त करती है।

[ईफा. सं. 4/5/2017-बीओ-1]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 26th September, 2022

**S.O. 957.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, Central Government hereby re-appoints Shri Ajay Kumar Srivastava (DoB: 15.10.1967), Executive Director, Indian Overseas Bank as Executive Director of Indian Overseas Bank for a period beyond his currently notified terms which expires on 8.10.2022, until he assumes the charge of Managing Director and Chief Executive Officer of Indian Overseas Bank on or after 1.1.2023, or until further orders, whichever is earlier.

[eF. No. 4/5/2017-BO.I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 26 सितम्बर, 2022

**का.आ. 958.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री पार्थ प्रतिम सेनगुप्ता के स्थान पर इण्डियन ओवरसीज बैंक के कार्यपालक निदेशक श्री अजय कुमार श्रीवास्तव (जन्म तिथि: 15.10.1967) को दिनांक 1.1.2023 को अथवा इसके पश्चात पद का कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, इण्डियन ओवरसीज बैंक में प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी के पद पर नियुक्त करती है।

[ईफा. सं. 4/5/2017-बीओ-1]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 26th September, 2022

**S.O. 958.**— In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Ajay Kumar Srivastava (DoB: 15.10.1967), Executive Director, Indian Overseas Bank as Managing Director and Chief Executive Officer in Indian Overseas Bank for a period of three years with effect from the date of assumption of office on or after 1.1.2023, or until further orders, whichever is earlier, *vice* Shri Partha Pratim Sengupta.

[eF. No4/5/2017-BO.I]

SANJAY KUMAR MISHRA, Under Secy.

### विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 11 अक्टूबर, 2022

**का.आ. 959.**—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार भारत के राजदूतवास रेकजाविक में रुजुता विनय सालुंखे, सहायक अनुभाग अधिकारी को दिनांक 11 अक्टूबर, 2022 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2022 (43)]

एस.आर.एच. फहमी, उप सचिव (कांसुलर)

### MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 11th October, 2022

**S.O. 959.**—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Ms. Rujuta Vinay Salunkhe, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Reykjavik to perform the consular services as Assistant Consular Officer with effect from October 11, 2022.

[F. No. T. 4330/01/2022 (43)]

S.R.H. FAHMI, Dy. Secy. (Consular)

नई दिल्ली, 11 अक्टूबर, 2022

**का.आ. 960.**—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार भारत के प्रधान कौंसुलावास सान फ्रांसिसको में हिमानी, सहायक अनुभाग अधिकारी को दिनांक 11 अक्टूबर, 2022 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2022 (44)]

एस.आर.एच. फहमी, उप सचिव (कांसुलर)

New Delhi, the 11th October, 2022

**S.O. 960.**— Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Ms. Himani, Assistant Section Officer as Assistant Consular Officer in the Consulate General of India, San Francisco to perform the consular services as Assistant Consular Officer with effect from October 11, 2022.

[F. No.T. 4330/01/2022 (44)]

S.R.H. FAHMI, Dy. Secy. (Consular)

नई दिल्ली, 11 अक्टूबर, 2022

**का.आ. 961.**—राजनयिक और कंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार भारत के प्रधान कंसलावास सेंट -डेनिस में सौरभ कुमार, सहायक अनुभाग अधिकारी को दिनांक 11 अक्टूबर, 2022 से सहायक कंसुलर अधिकारी के तौर पर कंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2022 (45)]

एस.आर.एच. फहमी, उप सचिव (कांसुलर)

New Delhi, the 11th October, 2022

**S.O. 961.**—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Saurabh Kumar, Assistant Section Officer as Assistant Consular Officer in the Consulate General of India, Saint Denis to perform the Consular services with effect from October 11, 2022.

[F. No.T. 4330/01/2022 (45)]

S.R.H. FAHMI, Dy. Secy. (Consular)

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### रेल मंत्रालय

#### (रेलवे बोर्ड)

नई दिल्ली, 3 अगस्त, 2022

**का.आ. 962.**—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में क्षेत्रीय कार्यालय, रेलवे सूचना प्रणाली केंद्र (क्रिस), सिकंदराबाद जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी-2018/रा.भा.1/12/1/1220448]

डॉ. वरुण कुमार, निदेशक (राजभाषा)

**MINISTRY OF RAILWAYS****(Railway Board)**

New Delhi, the 3rd August, 2022

**S.O. 962.**—Ministry of Railways (Railway Board) in pursuance of Sub Rule(2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify Regional Office, Centre for Railway Information Systems (CRIS), Secunderabad where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[F. No. Hindi -2018/O.L-1/12/1/1220448]

Dr. BARUN KUMAR, Director (OL)

नई दिल्ली, 4 अक्तूबर, 2022

**का.आ. 963.**—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में मुख्य परियोजना निदेशक, केंद्रीय रेल विद्युतीकरण संगठन, सिकंदराबाद कार्यालय जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी-2018/रा.भा.-1/12/1/1274752]

डॉ. बरुण कुमार, निदेशक (राजभाषा)

New Delhi, the 4th October, 2022

**S.O. 963.**—Ministry of Railways (Railway Board) in pursuance of Sub Rule(2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the, Chief Project Director, Central Organisation for Railway Electrification, Secunderabad Office where 80% or more Officers/ Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1/1274752]

Dr. BARUN KUMAR, Director (OL)

नई दिल्ली, 4 अक्तूबर, 2022

**का.आ. 964.**—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में डेडिकेटेड फ्रेट कॉरिडोर कॉर्पोरेशन ऑफ इण्डिया लिमिटेड कॉम्प्लेक्स, अहमदाबाद यूनिट जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी- 2018/रा.भा.-1/12/1/1274738]

डॉ. बरुण कुमार, निदेशक (राजभाषा)

New Delhi, the 4th October, 2022

**S.O. 964.**—Ministry of Railways (Railway Board) in pursuance of Sub Rule(2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the, Dedicated Freight Corridor Corporation of India Ltd. Ahmedabad Unit, where 80% or more Officers/ Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1/1274738]

Dr. BARUN KUMAR, Director (OL)

**कोयला मंत्रालय**

नई दिल्ली, 13 अक्तूबर, 2022

**का.आ. 965.**—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का. आ. 744, तारीख 3 सितम्बर, 2020 द्वारा जो भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड (ii), तारीख 5 सितम्बर, 2020 में प्रकाशित की गई थी, उक्त अधिसूचना से उपाबद्ध अनुसूची में यथा विनिर्दिष्ट परिक्षेत्र में 224.24 हेक्टर (लगभग) या 554.10 एकड़ (लगभग) माप वाली भूमि में या उस पर के सभी अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात्, यह समाधान हो गया है कि इससे उपाबद्ध अनुसूची में यथा वर्णित 224.24 हेक्टर (लगभग) या 554.10 एकड़ (लगभग) माप वाली भूमि और ऐसी भूमि में या उस पर के सभी अधिकार अर्जित किए जाने चाहिए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि, अनुसूची में वर्णित 224.24 हेक्टर (लगभग) या 554.10 एकड़ (लगभग) माप वाली भूमि में या उस पर के सभी अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्या सी-1(ई)/III/जेजेएमआर/0922/990, तारीख 6 सितम्बर, 2022 का निरीक्षण कलेक्टर, जिला चंद्रपुर, महाराष्ट्र के कार्यालय या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता - 700 001 के कार्यालय या महा प्रबंधक (खनन), वेस्टर्न कोलफील्ड्स लिमिटेड, राजस्व विभाग, कोल एस्टेट, सिविल लाइन्स, नागपुर - 440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

**अनुसूची****न्यू माजरी के विस्तार भूमिगत से विवृत खान****माजरी क्षेत्र****जिला चंद्रपुर (महाराष्ट्र)****[रेखांक संख्या सी-1(ई)/III/जेजेएमआर/0922/990, तारीख 6 सितम्बर, 2022]****भाग - I****सभी अधिकार :**

ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्रफल हेक्टर में			कुल (हेक्टेयर में)	टिप्पणी
				निजी	सरकारी	वन		
पटाला	3	भद्रावती	चंद्रपुर	151.39	4.39	0.00	155.78	भाग
कुल क्षेत्र (हेक्टेयर में) :				151.39	4.39	0.00	155.78	

**भाग - II****सभी अधिकार :**

ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्रफल हेक्टर में			कुल ( हेक्टेयर में)	टिप्पणी
				निजी	सरकारी	वन		
पटाला	3	भद्रावती	चंद्रपुर	67.30	1.16	0.00	68.46	भाग
कुल क्षेत्र (हेक्टेयर में) :				67.30	1.16	0.00	68.46	

कुल क्षेत्र (भाग -I और भाग - II): 224.24 हेक्टर (लगभग) या 554.10 एकड़ (लगभग)

**भाग -I****ग्राम पटाला में अर्जित प्लॉट संख्यांक :**

340/1, 340/2/अ- 340/2/ब- 340/2/क- 340/3, 341, 342, 343, 344, 345/1- 345/2, 346/1- 346/2- 346/3, 347/1- 347/2- 347/3, 348, 349, 350/1- 350/2, 351/1- 351/2- 351/3, 352, 353/1- 353/2, 354/1/अ- 354/1/ब- 354/2- 354/3/अ/1- 354/3/अ/2- 354/3/ब, 355, 356/1- 356/2- 356/3, 358/1- 358/2, 359, 367, 368, 376/1- 376/2, 377/1- 377/2, 378, 379/1- 379/2, 380, 381/1- 381/2, 382, 383, 384, 385/1- 385/2, 386, 387, 388, 391, 392, 393/1- 393/2, 394, 395, 396, 397, 398/1- 398/2, 399/1- 399/2, 400/1- 400/2- 400/3, 401/1- 401/2/अ- 401/2/ब, 402, 403, 404, 405, 406, 407/1- 407/2, 408, 409, 410/1- 410/2, 411, 412/1- 412/2, 413, 414, 415/1/अ/1- 415/1/अ/2- 415/1/अ/3- 415/1/ब- 415/2- 415/3/अ- 415/3/ब- 415/3/क 415/4/अ- 415/4/ब, 416/1- 416/2, 417/1- 417/2, 418, 419, 420, 421, 422/1- 422/2, 423, 424, 425, 426, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440/1- 440/2, 441 और सड़क।

**भाग - II****ग्राम पटाला में अर्जित प्लॉट संख्यांक :**

206, 208, 210, 235/1- 235/2, 236, 237, 238, 239, 240, 241, 242/1- 242/2, 260/1- 260/2, 261/1- 261/2- 261/3- 261/4- 261/5, 262, 263, 264, 265, 266, 267, 268/1- 268/2/अ- 268/2/ब, 269, 270, 271/1- 271/2, 370/1- 370/2, 450, 451, 452, 453/1- 453/2- 453/3- 453/4, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472 और सड़क।

**सीमा वर्णन****भाग - I**

क - ख : रेखा ग्राम पटाला में वर्धा नदी के किनारे पर स्थित बिन्दु 'क' से आरंभ होकर दक्षिण-पूर्व दिशा से होती हुई प्लॉट संख्या 347 के दक्षिण कोने पर बिन्दु 'ख' पर मिलती है।



- ख - ग : रेखा बिन्दु 'ख' से आरंभ होकर उत्तर-पूर्व दिशा में केन्द्रीय रेल लाईन से लगकर होती हुई, प्लॉट संख्यांक 345/1, 345/2 और 340 की पूर्व सीमा से होती हुई माजरी-पटाला सड़क किनारे पर बिन्दु 'ग' पर मिलती है।
- ग - घ : रेखा बिन्दु 'ग' से आरंभ होकर उत्तर- पश्चिम दिशा में माजरी-पटाला सड़क से लगकर होती हुई ग्राम पटाला में बिन्दु 'घ' पर मिलती है।
- घ - ङ. : रेखा बिन्दु 'घ' से आरंभ होकर उत्तर- पश्चिम दिशा में प्लॉट संख्यांक 356/1- 356/2- 356/3, की बाह्य सीमा से होती हुई, सड़क लगकर से होती हुई, 359, 391, 388, 379/1- 379/2, 367 और 368 की बाह्य सीमा से होती हुई बिंदु 'ङ.' पर मिलती है।
- ङ.- क : रेखा ग्राम पटाला में बिन्दु 'ङ.' से आरंभ होकर दक्षिण दिशा प्लॉट संख्यांक 368, 377 और 376 की पश्चिम सीमा से होती हुई पटाला-माजरी सड़क पार कर दक्षिण-पश्चिम दिशा में पूर्व में अधिग्रहित भूमि की बाह्य सीमा से होती हुई आरंभिक बिन्दु 'क' पर समाप्त होती है।

## भाग - II

- च - छ : रेखा ग्राम पटाला में बिन्दु 'च' से आरंभ होकर उत्तर दिशा में प्लॉट संख्यांक 450, 453, 460 और 458 की पूर्व सीमा से होती हुई पटाला-माजरी सड़क पार कर उत्तर-पश्चिम दिशा में पूर्व में अधिग्रहित भूमि की बाह्य सीमा से लगकर होती हुई बिन्दु 'छ' पर मिलती है।
- छ - ज : रेखा बिन्दु 'छ' से आरंभ होकर पश्चिम दिशा में पूर्व में अधिग्रहित भूमि की बाह्य सीमा से लगकर होती हुई बिन्दु 'ज' पर मिलती है।
- ज - झ : रेखा बिन्दु 'ज' से आरंभ होकर उत्तर दिशा में पूर्व में अधिग्रहित भूमि की बाह्य सीमा से लगकर होती हुई बिन्दु 'झ' पर मिलती है।
- झ - ञ : रेखा बिन्दु 'झ' से आरंभ होकर पश्चिम दिशा में पूर्व में अधिग्रहित भूमि की बाह्य सीमा से होती हुई प्लॉट संख्या 206 की उत्तर-पश्चिम कोना पर बिन्दु 'ञ' पर मिलती है।
- ञ - ट : रेखा बिन्दु 'ञ' से आरंभ होकर दक्षिण दिशा में होती हुई प्लॉट संख्यांक 206, 208, 210, 235/1- 235/2 की बाह्य सीमा से होती हुई बिन्दु 'ट' पर मिलती है।
- ट-ठ-ड : रेखा बिन्दु 'ट' से आरंभ होकर पूर्व दिशा में बिन्दु 'ठ' से होती हुई दक्षिण दिशा में प्लॉट संख्यांक 262 और 263, की बाह्य सीमा से होती हुई सड़क पार कर प्लॉट संख्या 472 के दक्षिण- पश्चिम कोना पर बिन्दु 'ड' पर मिलती है।
- ड-ढ-ण : रेखा ग्राम एकोणा में बिंदु 'ड' से आरंभ होकर पूर्व दिशा में प्लॉट संख्या 472 की बाह्य सीमा से होती बिन्दु 'ढ' से दक्षिण में दिशा होती हुई प्लॉट संख्या 469 की बाह्य सीमा से होती हुई वर्धा नदी के उत्तरी तट पर स्थित बिन्दु 'ण' पर मिलती है।
- ण - च : रेखा बिन्दु 'ण' से आरंभ होकर दक्षिण-पूर्व दिशा में वर्धा नदी के उत्तरी तट से लगकर होती हुई ग्राम पटाला में आरंभिक बिन्दु 'च' पर समाप्त होती है।

[फा. सं. 43015/18/2019-एलएण्डआईआर]

राम शिरोमणि सरोज , निदेशक

**MINISTRY OF COAL**

New Delhi, the 13th October, 2022

**S.O. 965.**—Whereas by the notification of the Government of India in the Ministry of Coal, number S.O. 744, dated the 3<sup>rd</sup> September, 2020, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 5<sup>th</sup> September, 2020, the Central Government gave notice of its intention to acquire 224.24 hectares (approximately) or 554.10 acres (approximately) lands and all rights in or over such lands specified in the Schedule annexed to that notification;

And, whereas, the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And, whereas, the Central Government after considering the aforesaid report and after consulting to the Government of Maharashtra, is satisfied that the lands measuring 224.24 hectares (approximately) or 554.10 acres (approximately) and all rights in or over such lands as described in the Schedule appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 224.24 hectares (approximately) or 554.10 acres (approximately) and all rights in or over such lands as described in the said Schedule are hereby acquired.

The plan bearing number C-I(E)/III/JJMR/0922/990, dated the 06<sup>th</sup> September, 2022 of the area covered by this notification may be inspected at the office of the Collector, District Chandrapur, Maharashtra or at the office of the Coal Controller, 1, Council House Street, Kolkata -700 001 or at the office of the Head of Department or General Manager (Mining), Western Coalfields Limited, Revenue Department, Coal Estate, Civil Lines, Nagpur – 440 001, Maharashtra.

**SCHEDULE****Expansion of New Majri underground to Opencast Mine****Majri area****District Chandrapur (Maharashtra)**

[ Plan bearing number C-I(E)/III/JJMR/0922/990, dated the 06<sup>th</sup> September, 2022 ]

**Part – I****All Rights :**

Name of village	Patwari circle number	Tahsil	District	Description of land			Total (in hectares)	Remarks
				Tenancy	Government	Forest		
Patala	3	Bhadravati	Chandrapur	151.39	4.39	0.00	155.78	Part
Total area (in hectares) :				151.39	4.39	0.00	155.78	

**Part – II****All Rights :**

Name of village	Patwari circle number	Tahsil	District	Description of land			Total (in hectares)	Remarks
				Tenancy	Government	Forest		
Patala	3	Bhadravati	Chandrapur	67.30	1.16	0.00	68.46	Part
Total area (in hectares) :				67.30	1.16	0.00	68.46	

Total area (Part-I and Part-II): 224.24 hectares (approximately)  
or 554.10 acres (approximately)

**Part – I****Plot numbers acquired in village Patala :**

340/1, 340/2/A- 340/2/B- 340/2/C- 340/3, 341, 342, 343, 344, 345/1- 345/2, 346/1- 346/2- 346/3, 347/1- 347/2- 347/3, 348, 349, 350/1- 350/2, 351/1- 351/2- 351/3, 352, 353/1- 353/2, 354/1/A- 354/1/B- 354/2- 354/3/A/1- 354/3/A/2- 354/3/B, 355, 356/1- 356/2- 356/3, 358/1- 358/2, 359, 367, 368, 376/1- 376/2, 377/1- 377/2, 378, 379/1- 379/2, 380, 381/1- 381/2, 382, 383, 384, 385/1- 385/2, 386, 387, 388, 391, 392, 393/1- 393/2, 394, 395, 396, 397, 398/1- 398/2, 399/1- 399/2, 400/1, 400/2- 400/3, 401/1- 401/2/A- 401/2/B, 402, 403, 404, 405, 406, 407/1- 407/2, 408, 409, 410/1- 410/2, 411, 412/1- 412/2, 413, 414, 415/1/A/1- 415/1/A/2- 415/1/A/3- 415/1/B- 415/2- 415/3/A- 415/3/B- 415/3/C 415/4/A- 415/4/B, 416/1- 416/2, 417/1- 417/2, 418, 419, 420, 421, 422/1- 422/2, 423, 424, 425, 426, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440/1- 440/2, 441 and Road.

**Part – II****Plot numbers acquired in village Patala :**

206, 208, 210, 235/1- 235/2, 236, 237, 238, 239, 240, 241, 242/1- 242/2, 260/1- 260/2, 261/1- 261/2- 261/3- 261/4- 261/5, 262, 263, 264, 265, 266, 267, 268/1- 268/2/A- 268/2/B, 269, 270, 271/1- 271/2, 370/1- 370/2, 450, 451, 452, 453/1- 453/2- 453/3- 453/4, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472 and Road.

**Boundary description:****Part – I**

- A – B : Line starts from point 'A' in village Patala on the bank of Wardha river passes in south-east direction and meets at point 'B' on south corner of plot number 347 in village Patala.
- B – C : Line starts from point 'B' and passes parallel to Central Railway Line in north-east direction then passes along the East boundary of plot numbers 345/1, 345/2 and 340 and meets at point 'C' on the road in village Patala.
- C – D : Line starts from point 'C' passes in north-west direction along the Majri-Patala road and meets at point 'D'.
- D – E : Line starts from point 'D' passes through Patala village in north-west direction along the outer boundary of plot numbers 356/1- 356/2- 356/3, passes along the road, then again passes along the outer boundary of plot numbers 359, 391, 388, 379/1- 379/2, 367 and 368 and meets at point 'E'.
- E – A : Line starts from point 'E' passes in south direction along the west boundary of plot numbers 368, 377 and 376, crosses the Patala-Majri road then passes in south-west direction along the outer boundary of already acquired land and end at starting point 'A'.

**Part – II**

- F – G : Line starts from point 'F' passes in North direction along east boundary of plot numbers 450, 453, 460 and 458 and crosses the Patala Majri road then passes in north-west direction along the outer boundary of land already acquired and meets at point 'G'.
- G – H : Line starts from point 'G' passes in west direction along the outer boundary of already acquired land and meets at point 'H'.
- H – I : Line starts from point 'H' passes in north direction along the outer boundary of already acquired land and meets at point 'I'.
- I – J : Line starts from point 'I' passes along the outer boundary of already acquired land in west direction and meets at point 'J' on north-west corner of plot number 206.
- J – K : Line starts from point 'J' and passes in south direction along the outer boundary of plot numbers 206, 208, 210, 235/1- 235/2 and meets at point 'K'.
- K-L-M : Line starts from point 'K' passes in east direction through point 'L' then passes in south direction along the outer boundary of plot numbers 262 and 263, then crosses the road and meets at point 'M' on south-west corner of plot number 472.
- M-N-O : Line starts from point 'M' passes in east direction along the outer boundary of plot number 472, turns in south direction through point 'N' and passes along west boundary of plot number 469 in south direction and meets at point 'O' on the bank of Wardha river.

O – F : Line starts from point 'O' passes in south-east direction parallel to north bank of Wardha river and ends at starting point 'F' in village Patala.

[F. No. 43015/18/2019-LA&IR ]

RAM SHIROMANI SAROJ , Director

आयुष मंत्रालय

नई दिल्ली, 11 अक्टूबर, 2022

अधिसूचना

**का.आ. 966.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 (यथा संशोधित 1987) के नियम (10) के उप-नियम (4) के अनुकरण में, आयुष मंत्रालय के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय, जिसके शतप्रतिशत अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:-

**1. नैदानिक अनुसंधान इकाई, भोपाल, मध्य प्रदेश**

[फा. सं.ई. 11011/3/2019 (रा.भा.)]

रोहतास भनखड़, निदेशक

#### MINISTRY OF AYUSH

New Delhi, the 11 October, 2022

**S.O. 966.**—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 (as amended in 1987), the Central Government hereby notifies the following office under the administrative control of the Ministry of Ayush, wherein 100% officers/employees have acquired the working knowledge of Hindi:

**1. Clinical Research Unit, Bhopal, Madhya Pradesh.**

[F. No. E.11011/3/2019 (O.L.)]

ROHTAS BHANKHAR, Director

#### श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 22 सितम्बर, 2022

**का.आ. 967.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 118/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.09.2022 को प्राप्त हुआ था।

[सं. एल-22012/173/2001-आई. आर. (सीएम-2)]

राजेन्द्र सिंह, अवर सचिव

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 22nd September, 2022

**S.O. 967.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 118/2002) of the Central Government Industrial Tribunal-cum-Labour Court JABALPUR as shown in the Annexure, in the industrial dispute between the Management of S.E.C.L. and their workmen, received by the Central Government on 21.09.2022.

[No. L-22012/173/2001 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/118/2002**

**Present:** P. K. Srivastava H.J.S..( Retd)

The Deputy General Secretary,  
Rashtriya Colliery Workers Federation,  
PO-Jamuna, Shahdol (M.P.)

... Workman

**Versus**

The General Manager  
Jamuna & Kotma Area of SECL,  
PO Jamuna, Shahdol (M.P.)

...Management

**AWARD**

**(Passed on 17-8-2022)**

As per letter dated 27/8/2002 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L 22012/173/2001-IR(CM-II). The dispute under reference relates to:

***“Whether the action of the General manager, Jamuna & Kotma Area of SECL, PO Jamuna, district Shahdol(MP) is not regularizing to Sh.Ganesh Prasad Garg, General mazdoor, Bhadra Colliery of SECL in the post of Clerk grade II is legal and justified ? If not to what relief the workman is entitled to?” .”***

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defense..
2. According to the workman, he was initially appointed as General Mazdoor Category-1 under the Management since he was highly qualified and had passed M.Com examination, he was deployed by Management as clerk grade-II in the Engineering Department of Bhandra Sub-Area of SECL with effect from 6-1-1993 against sanctioned vacancy and worked there from 6-1-1993 to 10-7-1994. He was also engaged in completing some inquiry proceedings during this period. The sub Area Manager Bhandra had issued an office order No.937 dated 13-1-1993 to the educated lower category employees for performing job of clerk. The applicant workman was one of them. This order was never revoked. His Co-workman Surendra Mohan who was also in the list of office order at serial No.4, was regularized as clerk but the same benefit was not granted to the applicant workman which is discriminatory and against law. It is the case of the workman that he had worked for more than 240days in a calendar year as a clerk and was thus entitled for regularization as per circular and provisions of Industrial Disputes Act,1947(hereinafter referred to as the word ‘Act’). Hon’ble the High Court in Writ Petition No.2708/2000, W.P.No.3599/1995, W.P.No.798/1996 and 2881/1995 had issued directions for regularizations of workman having same case and they were regularized under the orders of Hon. High Court in the said writ petitions, though they were junior to the applicant workman. Thus according to the workman, the action of Management in not regularizing him was discriminatory/arbitrary and illegal. Accordingly, the workman has prayed that he be held entitled to be regularized as clerk with all consequential benefits.
3. The workman has filed documentary evidence, copy of office order dated 6-1-1993 Form-H Settlement copy with respect of another workman Satyanarayan Mishra. Office Order dated 22-12-2006, 29-12-2006 all admitted by the Management and marked as Exhibit W-1 to W-4.
4. According to the Management, the workman was employed as General Mazdoor Category-1. He claimed promotion to the post of Clerk on the ground that he worked as clerk in the Engineering Department from 6-1-1993 to

10-7-1994. There was a dispute in this respect raised in the year 2001, hence it is highly belated and is liable to be rejected. It is further the case of the Management that according to the Cadre Scheme formulated for ministerial staff, general clerical cadre circulated by I.I.No.34 dated 17-7-1984 appointment on the post of Clerk Grade-III/appointment to the lowest post in Clerk Cadre is done by selection/test. The minimum educational qualification is matriculation or equivalent and three years' service in the company is required to apply for the post. The applicant workman was working as General Mazdoor in Bhandra Sub-Area of SECL. He was never appointed as a clerk. It is practice in the company that educated employees appointed as general mazdoor are given preference for promotion to the post of clerk at the time of recruitment. They are given an opportunity also to learn and get acquainted with the job. The workman was also given this opportunity for few days while he was General mazdoor Category-1. He was never granted appointment as clerk on regular basis at any point of time. The Management of SECL has issued a circular No.380 dated 1-10-1999 prohibiting diversion/deployment of man power to non-productive jobs and deployment of man power from underground to surface job also to clerical job while another circular dated 3-2-2000 Management further deprecated this practice and sought information whether any such action has been done in the Sub-Area. Further in an earlier circular No.2889 dated 10-4-1993, the Management preferred placement in clerical cadre because strength in clerical cadre was more than what was sanctioned. It is further the case of the management that the workman never worked for 240 days in clerical cadre. The Management further denied that any workman junior to the workman was placed in clerical cadre and was regularized by the Management as claimed by the workman. Accordingly the Management has prayed that the reference be answered against the workman.

5. The Management has filed and proved copy of cadre scheme for ministerial staff, General Clerk Cadre, copy of service extract of workman, Office order dated 1-10-1999, 3-2-2000, 10-4-1993 as Exhibit M-1 to M-5. The workman has examined himself as a witness and has been cross-examined. The Management has examined N.Rajendra Prasad, Assistant General Manager Personnel as witness. He has been cross-examined.

6. It is further to mention here that the workman Kesar Ali and Surendra Mohan has been impleaded as non-applicants in the reference. They were served a notice. They appeared but never contested the case, hence the reference proceeded ex-parte against them.

7. I have heard arguments of Shri Shailendra Pandey, counsel for the workman and Shri A.K., Shashi, counsel for the Management and have gone through the record.

8. **The Reference itself is the issue for determination in the case in hand.**

9. Pleadings of the parties have been elaborated earlier. The workman has corroborated his case in affidavit filed as his examination in chief in cross-examination. He admits that initially he was engaged as a Badli worker. The service conditions of Badli workers do not apply to the regular workers. He also admits that there is a cadre scheme for employees in clerical cadre and that vacancies in clerical cadre are filled by inviting applications from labourers, Badli workers having required qualifications. He further admits that the Selection Committee constituted for this purpose recommends names of candidates for the clerical grade-III which is lowest post. Also he admits that he was interviewed for this post. He also appeared in the written examination but was not informed about the final result. He made a representation in this respect but no reply was given by Management. He further states that he has raised his grievances between the period 1994 to 2002 through his Union, though he could not tell the details.

10. On the other hand, the Management witness has corroborated the case of Management in his affidavit as his examination in Chief. He denies that the co-worker Kesar Ali and Surendra Mohan who were junior to the applicant workman were regularized in the same conditions. Also that the applicant workman worked as a clerk for 240 days. This witness further states that there is selection process for selecting clerk grade-III in the cadre scheme and recruitments for clerk are made on the basis of selection by the Selection Committee constituted for this purpose.

11. Exhibit W-1 filed by the workman is a letter issued by Deputy General manager to the Engineer in which he has stated the departmental inquiry entries, the Engineer could not be completed in time. The Engineer was further required to complete the inquiry in time. He was also advised to take service of the general category applicant workman for recording the proceedings. Exhibit W-2 is the settlement in the light of Hon'ble High Court. The order regularizing the services of General mazdoor Satya Narayan Mishra in the light of order of Hon'ble High Court. Exhibit W-3 also relates to regularization in the light of order of Hon'ble High Court in the writ petitions as mentioned by the workman in his statement of claim, details mentioned in the judgement.

12. The workman did not care to file copies of judgments of Hon. High Court in the writ petitions. He had mentioned to substantiate his claim that his claim is also on the same footing as that of petitioners in the writ petition. The management has specifically mentioned that the factual matrix of the writ petition and the case in hand is different, further more though the workman has claimed and stated on oath that he has worked for 240 days as a clerk which is denied by the Management witness, there is no evidence to corroborate this claim of the workman. The workman has filed some photocopy documents which are denied by management. The workman did not care to prove these documents, hence they cannot be read in evidence in his favour. The documents Exhibit M1 to M5 filed by the Management reveals that there is a definite recruitment process for clerk grade-III and also that relocation of workman from other fields to the Clerical Cadre is dis-approved by management.

13. On the basis of above discussion, holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

14. On the basis of the above discussion, following award is passed:-

**A. The action of the General manager, Jamuna & Kotma Area of SECL, PO Jamuna, district Shahdol(MP) is not regularizing to Sh.Ganesh Prasad Garg, General mazdoor, Bhadra Colliery of SECL in the post of Clerk grade II is held to be legal and justified.**

**B. The workman is held entitled to no relief.**

15. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

DATE: 17.8.2022

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2022

**का.आ. 968.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, भारत संचार निगम लिमिटेड, देवास गेट, उज्जैन; सरकारी ठेकेदार और आपूर्ति, सी/ओ श्री मिलिंद हार्डिकर, उज्जैन, के प्रबंधन के संबद्ध नियोजकों और श्री अशोक, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/35/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 21.09.2022 को प्राप्त हुआ था।

[सं. एल- 40012/09/2015-आईआर-(डीयू)]

डी. के. हिमांशु अवर सचिव

New Delhi, the 10th October, 2022

**S.O. 968.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/35/2015) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The General manager, Bharat Sanchar Nigam Limited, Dewas Gate, Ujjain; The Government Contractor & supplied, C/o Shri Milind Hardikar, Ujjain and, Shri Ashok, Worker, which was received along with soft copy of the award by the Central Government on 21.09.2022.

[No. L- 40012/09/2015- IR (DU)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/35/2015**

**Present:** P.K. Srivastava, H.J.S..( Retd)

Shri Ashok  
S/o shri Hiralal Baurasi  
R/o 153/1 Madhav Makshi road,  
Ujjain (M.P.)

... Workman

**Versus**

1. The General manager,  
Bharat Sanchar Nigam Limited,  
Chamunda Mata Chouraha  
Dewas Gate, Ujjain-456010

2. The Government Contractor & supplied  
C/o Shri Milind Hardikar,  
Thekedar Milind Constructin,  
233, Mahashweta Nagar,  
Ujjain-456010

...Management

**AWARD**  
**(Passed on 7-9-2022)**

As per letter dated 24/3//2015 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.1-40012/09/2015-IR(DU). The dispute under reference relates to:

***“Kya Shri Milind Hardikar, Malik Milind Constructin 233 Mahashweta Nagar Ujjain dwara Shri Ashok S/o Shri Hiralal Baurasi ko lambe samay tak kam kara kar odyogek veveadh Adhiniyar 1947 ke dhara ke prav dhanao ke verudh denank 1-8-2013 se bina notice jya muafza deye kaam se betha denan nayayuichhit hai. Agar nahi to Avedak kes anutosh ka dhikar hai?”***

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties appeared and have filed their respective statement of claim/defence.
2. In short the claim of the workman is that he was a daily wager and worked continuously for 240 days in every year including the year preceding the date of his termination. He has claimed that he was retrenched without giving him any notice or compensation, thus the termination of the workman is in violation of the Industrial dispute Rules, 1947 and is bad in law.
3. The Management has denied the claim that the workman ever completed 240 days in any calendar year in continuous engagement of the Management.
4. At the stage of evidence, the workman did not appear and nor was he present at the time of argument. He never filed any documents with respect of his claim.
5. On the other hand the Management filed affidavit of its witness Smt. Deepmati Shukla, Assistant General Manager, BSNL, Ujjain. The Management witness has supported the case of Management in its affidavit which is uncontroverted.
6. The Management was represented by its learned counsel Shri R.S.Khare. Since none was present for the workman at the time of argument, ex-parte argument of Management counsel was heard.
7. I have gone through the record.
8. **The reference is the point for determination in the case in hand.**
9. In the light of the above facts and circumstances stated above there is nothing on record to hold the claim of workman proved as the workman has miserably failed to discharge his burden in this case. Hence holding the claim of the workman not proved the reference deserves to be answered against the workman.
10. On the basis of the above discussion, following award is passed:-
  - A. **The action of the management as mentioned in the reference is held to be just and proper.**
  - B. **The workman is held entitled to no relief.**

11. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

DATE: 7.9.2022

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2022

**का.आ. 969.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उपमंडल अधिकारी (फोन), टेलीफोन एक्सचेंज, भारत संचार निगम लिमिटेड, बिलासपुर (छ.ग.) के प्रबंधन के संबंध में श्री रविकांत सेन, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/20/2007) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.09.2022 को प्राप्त हुआ था।

[सं. एल- 40012/182/2000 आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव



New Delhi, the 10th October, 2022

**S.O. 969.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/20/2007) of the Central Government Industrial Tribunal-cum-Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Sub Divisional Officer (Phones), Telephone Exchange, Bharat Sanchar Nigam Limited, Bilaspur (C.G.) and Shri Ravikant Sen, worker, which was received along with soft copy of the award by the Central Government on 09.09.2022.

[No. L-40012/182/2000- IR (DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,**  
**JABALPUR**  
**NO. CGIT/LC/R/20/2007**

**Present:** P. K. Srivastava H.J.S..( Retd)

Shri Ravikant Sen

S/o Shri Punnalal Sen,

Near Shiv Mandir,

Kathiapara, Bilaspur (C.G.)

... Workman

**Versus**

The Sub Divisional Officer (Phones)

Telephone Exchange,

Bharat Sanchar Nigam Limited,

Bilaspur (C.G.)

... Management

**AWARD**

(Passed on 21-7-2022)

As per letter dated 21/7/2022 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No. L-40012/182/2000-IR(DU). The dispute under reference relates to:

***“Whether the action of the management of Sub-Divisional Officer (Phones) Telephone Exchange, Bharat Sanchar Nigam Limited, Bilaspur in terminating the services of their workman Shri Ravikant Sen w.e.f. March, 1988 is legal and justified? If not, to what relief the workman is entitled to?”***

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of defence/claim.
2. The case of the workman as stated in his statement of claim is that he was appointed under SDO Telephone Exchange on the post of casual labour on 1-4-1986 and remained in continuous service till 1-4-1988, the date when he was orally terminated without any notice or compensation, whereas the juniors to him are still working. Hence his termination is violative of Section 25F and 25G of the Industrial Disputes Act as well as Rule 76 of the Industrial Disputes (Central) Rules, 1957. It is prayed that the workman be reinstated with all back wages and consequential benefits, treating his termination to be bad in law.
3. According to the management, he was initially engaged as a casual labour in the year April-1996 by Management for specific period and specific work. He never completed 240 days in any calendar year. He worked only for 115 days in 1986 and 133 days in the year 1987 and 76 days in 1988. He was dis-engaged when there was no work left for him, hence his dis-engagement is not against law. The Management has accordingly prayed that the reference be answered against the workman.
4. The Management has filed muster roll record issued by SDO Bilaspur. The Dis-engagement order dated 11-2-1987. The re-engagement order dated 8-1-1990, communication within the department dated 19-1-2000 all are photocopies admitted by Management marked as Exhibit W1 to W5 respectively. The workman has filed his affidavit as his Examination-in-Chief. The Management has not availed the opportunity to cross-examine the workman. The Management has not produced any evidence, rather has absented itself in the later course of proceedings.
5. I have heard arguments of learned counsel for the Workman. None has appeared from the side of the Management for arguments. Management has not filed any written arguments also. I have gone through the record as well.

**6. The Reference is the issue for determination, in the case in hand.**

7. According to the workman, he worked for 240 days or more continuously in every year. His case is that his termination is bad in law and is violative of Section 25F and 25G of the Industrial Disputes Act 1947. Section 25B, Section 25F and Section 25G of the Act are being reproduced as follows:-

**Section 25 B:-**

**Definition of continuous service.-**

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman; (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and (ii) two hundred and forty days, in any other case; (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) ninety-five days, in the case of a workman employed below ground in a mine; and (ii) one hundred and twenty days, in any other case.

**25F. Conditions precedent to retrenchment of workmen.-** No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice: 1[\*\*\*] (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay 2[for every completed year of continuous service] or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government 3[or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]

**25G. Procedure for retrenchment.-** Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

8. The workman has stated in his affidavit as his Examination-in-Chief that he worked continuously from 1-4-1986 to 1-4-1988 for more than 240 days every year. His services were terminated without any compensation or notice and workers juniors to him have been continued in service. Exhibits W-1 filed by the workman shows that from 1-4-1986 to March-1988, he has worked for a total period of 324 days. This document further shows that from January-1988 to March-1988 the workman has worked only for 76 days and within the period from January-87 to December-87 the workman has worked only for 133 days and from April-1986 to July-1986 he has worked only for 115 days. This Exhibit W-1 militates against the affidavit of the workman with regards to his statement that he worked continuously for 240 days in every year rather it goes to establish that the workman never worked for a period of 240 days or more in any year including the year preceding the date of his termination which is 1-4-1988, hence his termination cannot be held to be violative of Section 25F of the Industrial Disputes Act, 1947. Exhibit W-2 is not relevant to the case in hand as it shows that the workman has been working from January-1985 to June-1985 in the light of the case of the workman that he was first engaged on 1-4-1986. Exhibit W-2 shows that within the period of January-1985 to June-1985, the workman has worked only for 166 days. As regards the case of workman regarding violation of Section 25G, his statement is silent on this point. It does not disclose which workman was junior to him and was continued in service, hence his termination cannot be violative of Section 25G of the Act.

9. In the light of the above findings, the termination of the workman is justified and legal. He is held entitled to no relief and the reference is answered accordingly.

10. On the basis of the above discussion, following award is passed:-

**“A. The action of the management of Sub-Divisional Officer (Phones) Telephone Exchange, Bharat Sanchar Nigam Limited, Bilaspur in terminating the services of their workman Shri Ravikant Sen w.e.f. March, 1988 is held to be legal and justified.**

**B. The workman is held entitled to no relief.”**

11. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

12. DATE: 21-7-2022

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2022

**का.आ. 970.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक (एचआर), भारत हेवी इलेक्ट्रिकल्स लिमिटेड, भोपाल (म.प्र.) के प्रबंधन के संबंधित नियोजकों और अध्यक्ष, हेवु भारतीया मजदूर संघ, भेल, भोपाल (म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/70/2020) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 21.09.2022 को प्राप्त हुआ था।

[सं. एल-42011/119/2020-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 10th October, 2022

**S.O. 970.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/70/2020) of the Central Government Industrial Tribunal-cum-Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The General Manager (HR), Bharat Heavy Electricals Ltd., Bhopal (M.P.) and The Chairman, Heavu Bhartiya Mazdoor Sangh, BHEL, Bhopal (M.P.), which was received along with soft copy of the award by the Central Government on 21.09.2022.

[No. L- 42011/119/2020- IR (DU)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/70/2020**

**Present:** P. K. Srivastava H.J.S..( Retd)

The General Secretary  
Heavy Electricals Shramik Trade Union  
MIG/68, Sector 9A, Saket Nagar  
Bhopal (M.P.)

**after corrigendum dated  
19-2-21 by Ministry it has to be read as:-**

The Chairman,  
Heavu Bhartiya Mazdoor Sangh  
Jumde Bhawan, N-4-645,646  
C-Sector, Piplani, BHEL,  
Bhopal (M.P.)

... Workman

## Versus

The General Manager(HR)  
Bharat Heavy Electricals Ltd.  
Bhopal (M.P.)

...Management

## AWARD

(Passed on 1-9-2022)

As per letter dated 10-11-20 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-42011/119/2020-IR(DU) The dispute under reference relates to:

***“Whether the demand of the HEWU-Bharatiya Mazdoor Sangh vide letter dated 4-8-2017 to the Management of Bharat Heavy Electricals Ltd.(BHEL), Bhopal for permanent services to Sh. Shashikant Ambikar S/o shri S.M.Ambikar is proper, legal and justified under ID Act, 1947? If yes, to what relief the disputant is entitled and what directions, if any, are necessary in this regard?” .”***

1. After registering the case on the basis of reference, notices were sent to the parties. The workman appeared and filed his written statement of claim. The Management did not appear and did not file any written statement of defense, inspite of sufficient service of notice on them, hence the reference proceeded ex-parte against the management vide order dated 15-12-2021.
2. The case of the workman as stated in his statement of claim is that his father Late Shri Waman Rao Ambikar was initially appointed as Senior Draftsman with the Management on 1-7-1962. He died on 2-6-1992. The applicant who is brother was minor at the time of death of his father. His mother submitted an application for compassionate appointment for her major son Yashwant Rao Ambikar. This prayer was not granted and Yashwant Rao Ambikar was engaged at masala papad centre run the Cooperative Society of BHEL Ladies Club on fixed salary of Rs.1500/- per month. Yashwant Rao Ambikar submitted an application before management in prescribed format for compassionate appointment. He was called by the Management to participate in the written and typing test on 27-1-1987 which he cleared and appeared in the interview conducted on 24-1-1998 but inspite of clearing the written test as well as interview, he was not offered compassionate appointment, though he was assured that appointment letter would be issued very soon to him which was never sent. The Management of BHEL issued an employment notice-HY/01/2013, notification for 800 posts of Artisans out of which five were notified for carpenter training. The applicant being another son of deceased workman being his father, he submitted his candidature online on 25-9-2013. This is also the case of the applicant that there was a clause of age relaxation for dependents of deceased workers of BHEL, in which the age of the applicants can be relaxed by five years. Under this clause the upper age limit of the applicant was well within the given criteria on the date of employment notification. It is further the case of the applicant that there was no condition in the employment notification requiring the dependents of the deceased employees who had applied for the posts to submit under taking of spouse of the deceased employee. Even then the management sent the applicant a communication to submit under taking of his mother(who is spouse of his deceased father) which was submitted by the applicant in the HR Department of BHEL, Bhopal and the same was sent from their BHEL, Hyderabad on 5-11-2013. It is further the case of the applicant workman that when he went to Hyderabad to participate in the examination, in the light of the recruitment notification, he was not allowed to participate on the ground that under taking required was not received by BHEL Hyderabad and was turned back without being permitted in recruitment examination. According to the applicant, this act of management is violation of Article 14 and Article 21 of the Constitution of India and is arbitrary, unjust and unreasonable. Accordingly the applicant has prayed that the reference be answered in his favour, holding the action of the management against law and holding the applicant entitled to permanent employment with the management, with all back wages and benefits.
3. The workman has filed copy of National Trade Certificate, copy of Employment Notification HY/01/2013, Copy of documents showing that the undertaking was sent by BHEL, Bhopal to BHEL Hyderabad on 5-11-2013. Copy of representation sent by the applicant to the Public Grievances Wing of the management.
4. As stated earlier, the management did not appear inspite of notice and did not file any written statement of defence. Hence, the reference has proceeded ex-parte against the Management.
5. The applicant has filed his affidavit reiterating his case as mentioned above in his statement of claim. He has filed his original certificates regarding Higher Secondary, Secondary examination, National Trade Certificate. Copy of application for compassionate appointment. Copy of his representation to Director (HR) BHEL and Hon. Minister, against the action of Management sent by the applicant and the Union. Copy of the email of BHEL Bhopal dated 5-11-2013 to show that the required undertaking was sent by BHEL Bhopal to BHEL, Hyderabad. Original educational and experience certificates and copies of different other representations against the action of Management, refusing him to appear in the test are Exhibits W-1 to Exhibit W-18.

6. I have heard arguments of Mr. Vijay Kumar Tripathi, learned counsel for the Applicant. The Management did not appear at the stage of arguments, also no written argument has been filed by the Management. I have perused the record as well.

**7. The Reference, itself is the issue for determination, in the case in hand.**

8. Perusal of the Employment Notification No.HY/01/2013, copy of which has been filed and proved by the applicant goes to show that the upper age limit for the posts was 27 years as on 1-9-2013. There was age relaxation in various categories. The Upper age limit was relaxed by five years for Members of Schedules Caste and Schedules Tribes, three years for OBC candidates, ten years for persons with disability and different age relaxation for different other categories. The upper age limit was relaxed by 5 years for dependents of deceased employees. The cut off date for computation of upper age limit could be taken as 1-10-2009 and a separate written test would be conducted and also a separate panel would be prepared for such candidates. The relevant portion of the notification, on this point is being reproduced as follows:-

**Upper age limit 27years on 1-9-2013(for age relaxation in various categories)see details below:-**

.....  
 .....  
 .....  
 .....

**Upper age is relaxed further by 5years for deceased employee dependents. For the dependents of the deceased employees, the cut-off date for computation of upper age limit will be taken as 1-10-2009. A separate written test will be conducted and a separate panel will be prepared for them.**

9. The another condition regarding no objection published in the notification which was for employees of Government sectors, Government Departments, PIU's/Autonomous bodies was that they would produce a no objection certificate at the time of interview. There is no condition in the Employment Notification, requiring the dependent of deceased employee at the time of written test to file a no objection certificate from the spouse of the deceased employee, before recruitment process. This notification also states that the written exam for the recruitment process would be conducted on same day 10-11-2013(tentative )in Hyderabad. Thus there is substance in the case of applicant that the newly incorporated condition of submitting of no objection certificate from the spouse of the deceased workman by the applicants who were dependent on workman of BHEL was totally a new condition added later on. It is the case of the applicant workman that, keeping in view the relevant age of the dependent of the deceased employee, after giving relaxation of five years in maximum age limit would be considered the age on 1-10-2013 and thus the applicant was within the required age limit for the post he applied in the light of the recruitment notification in Exhibit W-2. In the Secondary School Certificate, his date of birth is recorded as 4-7-1978 which supports his claim that he was within the age limit according to the recruitment notification. The documents Exhibit W-10 is the e-mail sent by BHEL, Bhopal on 5-11-2013 to BHEL Hyderabad showing that the required No objection Certificate of the spouse of the deceased employee was sent to BHEL Bhopal well before the date of written test i.e. 10-11-2013, hence the case of the workman that he complied with this condition before the date of written test is also held proved accordingly. On perusal of the documentary evidence, particularly his certificates in the light of his uncontroverted affidavit and Employment Notification, the applicant is held to have fulfilled all the requirement regarding age relaxation and qualified for the post he applied in the light of the recruitment notification. There is nothing on record to show as to on what ground, the Management refused to permit him in the written test, hence the action of the Management in not permitting the applicant to appear in the written test is nothing but unjust, illegal, discriminatory and arbitrary and is so held accordingly.

10. Accordingly the applicant is held entitled to be permitted to appear in the written test and interview with respect to his application for the post of Carpenter in the light of recruitment notification HY/01/2013 to be conducted by management within 60 days from the date of publication of this Award in Official Gazette. He is also held entitled to lump sum compensation of Rs.5,00,000(Rupees Five Lakh) to compensate him for the loss caused to him for the unjustified refusal by the management to permit him in the written examination held in year 2013. The amount to be paid within 60(sixty) days from the date of publication of Award in the Official Gazette, failing which it shall attract interest @ 6% per annum from the date of Award till publication.

11. On the basis of the above discussion, following award is passed:-

- A. The demand of the HEWU-Bharatiya Mazdoor Sangh vide letter dated 4-8-2017 to the Management of Bharat Heavy Electricals Ltd.(BHEL), Bhopal for permanent services to Sh. Shashikant Ambikar S/o shri S.M.Ambikar is held to be proper, legal and justified.**

- B. The workman is held entitled to be permitted to appear in the written test and interview with respect to his application for the post of Carpenter in the light of recruitment notification HY/01/2013 to be conducted by management within 60 days from the date of publication of this Award in Official Gazette.**
- C. He is also held entitled to lump sum compensation of Rs.5,00,000/-(Rupees Five Lakh) to be paid within 60(sixty) days from the date of publication of Award in the Official Gazette, failing which it shall attract interest @ 6% per annum from the date of Award till publication.**

12. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

DATE: 1.9.2022

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2022

**का.आ. 971.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य महाप्रबंधक, भारत संचार निगम लिमिटेड, देहरादून; महाप्रबंधक, भारत संचार निगम, देहरादून, अनुमंडल अभियंता, भारत संचार निगम, राजपुर, देहरादून के प्रबंधन के संबद्ध नियोजकों और राज्य महासचिव, सेंटर ऑफ इंडियन ट्रेड यूनियन, देहरादून, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या 26/2009) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[सं. एल-40012/55/2009-आईआर-(डीयू)]

डी. के. हिमांशु अवर सचिव

New Delhi, the 10th October, 2022

**S.O. 971.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2009) of the Central Government Industrial Tribunal-cum-Labour Court- Lucknow, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Chief General Manager, Bharat Sanchar Nigam Limited, Dehradun; The General Manager, Bharat Sanchar Nigam, Dehradun.; The Sub-Divisional Engineer, Bharat Sanchar Nigam, Rajpur, Dehradun and The State General Secretary, Centre of Indian Trade Union, Dehradun, which was received along with soft copy of the award by the Central Government on 10.10.2022.

[No. L-40012/55/2009- IR (DU)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT LUCKNOW

**PRESENT :** SOMA SHEKHAR JENA HJS (Retd.)

**I.D. No. 26/2009**

**Ref. No. L-40012/55/2009-IR(DU) dated 24.07.2009**

**BETWEEN :**

The State General Secretary  
Centre of Indian Trade Union  
Local Bus Stand, Dehradun – 248001

**AND**

- The Chief General Manager  
Bharat Sanchar Nigam Limited  
Windlass Shopping Complex, Rajpur Road, Dehradun.

2. The General Manager  
Bharat Sanchar Nigam, E-10, Exchange, Patel Nagar, Dehradun.
3. The Sub-Divisional Engineer  
Bharat Sanchar Nigam, Rajpur, Dehradun

#### AWARD

1. By order No. L-40012/55/2009-IR(DU) dated 24.07.2009 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute for adjudication to this CGIT-cum-Labour Court, Lucknow.
2. The reference under adjudication is:  
  
*"WHETHER THE ACTION OF THE MANAGEMENT OF BHARAT SANCHAR NIGAM LIMITED, DEHRADUN IN TERMINATING THE SERVICES OF THEIR WORKMAN SHRI DEEP RAM PINDARI W.E.F. 18/10/2007 IS LEGAL AND JUSTIFIED? IF NOT, WHAT RELIEF THE WORKMAN IS ENTITLED TO?"*
3. The case of the workman, Deep Ram Pindari, in brief, is that he had been appointed daily wager driver of Sub-Divisional Engineer, Raipur, Dehradun from May, 1994 and his services had been terminated orally without assigning any reason w.e.f. 18.10.2007. The workman has alleged that the management had been directed by the Hon'ble High Court of Uttaranchal in WP No. 1003/2005 (SS) vide order dated 21.11.2006 to pay benefits of 5<sup>th</sup> pay commission and arrears thereof and when the management did not make payment, he moved an application before Assistant Labour Commissioner (Central), Dehradun for payment, resultantly, the management got annoyed and terminated the services of the workman under prejudice. The workman has alleged that his termination during pendency of dispute before the Assistant Labour Commissioner (Central) amounts to violation of the provisions contained in section 9 A of the Act. The workman has also alleged that the management has terminated his services orally without giving him any notice or notice pay in lieu thereof. The workman has submitted that the other workmen junior to him viz. Chandra Shekhar Dalakoti, Vakeel Ahmad got regularized on the year 2001 and also some workmen junior to him are working as daily wagers and contractual workers, therefore, his termination is in utter violation of principle of 'last come first go'. Accordingly, the workman has prayed that the action of the management in terminating his services be declared illegal and he be held entitled for reinstatement with full back wages and consequential benefits.
4. The management has disputed the claim of the workman by filling its written statement; wherein it has contended that the workman had never been appointed by the management; rather his services have been availed completely on temporary basis as daily rated labourer; moreover, for appointment in the department Rules framed in this regard are followed and without following such Rules it is impossible to give appointment to any person. The management has submitted that the workman used to provide his services as Driver on daily wages, therefore, it was not possible to continue his services in absence of work and accordingly, he was not engaged after 18.10.2007 as permanent departmental driver became available in the department. The management has submitted that the workman had been paid benefits of fifth pay commission and arrears thereof before Assistant Labour Commissioner (Central) and since services of daily rated workman had been availed as and when required therefore, there was no need of giving any notice to such daily rated labourers. Accordingly, the management has prayed that the present claim is liable to be rejected out rightly being devoid of any merit.
5. The workman filed his rejoinder wherein apart from reiterating the facts already submitted in his statement of claim has submitted nothing new.
6. The parties have filed documentary in support of their rival pleadings. The workman examined himself whereas the management examined Shri P. K. Sharma, S/o Shri K.C. Sharma, Assistant General Manager (Administration) in support of their pleadings. The parties afforded opportunity to cross-examine the witnesses of each other apart from submitting oral as well as written submissions.
7. Heard parties at length and perused entire evidence available on record.
8. The workman has come up with the case that he had been appointed by the opposite party on daily wages as Driver from May, 1994 and he worked continuously up to 18.10.2007; but his services have been terminated without following the mandatory provisions of Industrial Disputes Act, 1947 i.e. giving any notice or notice pay in lieu thereof or any retrenchment compensation. It has also alleged that the management also violated provisions of Section 25 H by retaining other similarly situated employees who were junior to him.
9. Per contra, the management's case that the workman had never been an appointee of the BSNL; rather his services were availed as daily rated labourer as when required and when there was availability of regular drivers in the department the workman was not called for work. It is also the case of the management that since the workman was

daily rated labourer, therefore, there was no need of giving any notice to such daily rated labourers or observance of mandatory provisions of the Industrial Disputes Act, 1947.

10. The petitioner workman, Deep Ram Pindari has submitted that he filed a Writ Petition No. 1003/2005 (SS) before Hon'ble High Court of Uttaranchal, praying for regularization of his job in the BSNL and that writ petition vide order dated 21.11.2006 of the Hon'ble Uttaranchal High Court prayer for regularization has been categorically denied, observing that he was daily wager and in view of spirit of the case law reported in State of Karnataka vs Uma Devi, his claim for regularization is impermissible. Later the judgment of the Uttaranchal High Court in Writ Petition No. 1003/2005 (SS) was challenged before the Hon'ble Supreme Court in Civil Appeal No. 20665 of 2006 which was dismissed by the Hon'ble Supreme Court by order dated 01.10.2013. In such scenario this new round of industrial dispute is not maintainable in the eyes of law. Since the workman was engaged as daily wager his termination cannot be treated as retrenchment as contained in Section 2 (oo) of ID Act. The grounds of the workman that the mandatory provisions of Section 25 F of the I D Act in the matter of issuance of notice or payment of notice pay in lieu of notice, the notice required under chapter V B of the Section 25 H was not complied, do appear to be feeble unsustainable grounds for bolstering the claim of the workman. The industrial dispute is squarely hit by constructive res-judicata, after pronouncement of judgment dated 21.11.2006 in Writ Petition No. 1003 of 2005 of the Hon'ble High Court of Uttaranchal at Nainital.

11. In view of the discussions stated above this industrial dispute in the reference proceeding is not sustainable in the eye of law and the reference is answered against the workman. The parties are let to bear their respective cost.

12. Award as above.

13. Let two copies of this award be sent to the Ministry for publication.

LUCKNOW.

11<sup>th</sup> August, 2022

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2022

**का.आ. 972.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंधन, गैरिसन इंजीनियर्स (ई/एम), लखनऊ,; मैसर्स उन्नति इंजीनियर्स, उस्मान एन्क्लेव, लखनऊ के प्रबंधन के संबद्ध नियोजकों और श्री अर्जुन, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 57/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[सं. एल-14012/22/2017-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 10th October, 2022

**S.O. 972.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2019) of the Central Government Industrial Tribunal-cum-Labour Court- Lucknow, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Garrison Engineers (E/M), Lucknow,; The M/s Unnati Engineers Usman Enclave, Lucknow and Shri Arjun, worker, which was received along with soft copy of the award by the Central Government on 10/10/2022.

[No. L- 14012/22/2017- IR (DU)]

D. K. HIMANSHU, Under Secy.



## ANNEXURE

## ACENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—CUM- LABOUR COURT LUCKNOW

PRESENT: SOMA SHEKHAR JENA HJS (Retd.)

I.D. No. 57/2019

Ref. No. L-14012/22/2017-IR(DU) dated: 29.10.2018

## BETWEEN :

Sh. Arjun S/o Sh. Ram Kishan  
Village – Udwalkheda, Post – Mohanlal Ganj  
Lucknow – 226301

## AND

1. The Management  
Garrison Engineers (E/M)  
Lal Bahadur Shashtri Marg, Lucknow – 226002
2. The management  
M/s Unnati Engineers  
Usman Enclave, Sector-O, Aliganj, Lucknow – 226024

## AWARD

1. By order No. L-14012/22/2017-IR(DU) dated: 29.10.2018 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute to this CGIT-cum-Labour Court, Lucknow for adjudication
2. The reference under adjudication is:  
*“WHETHER THE ACTION OF GARRISON ENGINEERS (PRINCIPAL EMPLOYER) & THEIR CONTRACTOR M/S UNNATI ENGINEERS IN TERMINATING THE SERVICES OF SH ARJUN, EMPLOYED AS HELPER STATED TO BE SINCE 2006 TILL 08.09.2015, IS FAIR, JUST & LEGAL? IF NOT, TO WHAT RELIEF IS THE WORKMAN ENTITLED TO & TO WHAT EXTENT?”*
3. The order of reference was endorsed to Sh. Arjun S/o Sh. Ram Kishan, Village – Udwalkheda, Post – Mohanlal Ganj, Lucknow with direction to the party raising the dispute to file the statement of claim along with relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such a statement to each one of the opposite parties involved in this dispute under rule 10 (B) of the Industrial Disputes (Central), Rules, 1957.
4. The order of reference was registered in the Tribunal on 16.08.2019 and the office was directed to issue registered notice to the workman for filing the statement of claim with list of documents & list of witnesses on 24.10.2019. On the date fixed i.e. 24.10.2019 none turned up on behalf of the workman; however, the opposite party No. 01 put up its appearance. Next date 08.01.2020 was fixed for filing of statement of claim. The workman remained absent on 08.01.2020. Fresh notice was issued to the workman fixing 18.03.2020 to file statement of claim but workman remained absent on 18.03.2020 and subsequent date i.e. 17.06.2020; and from the track record of the notice sent to the workman, it was evident that the notice issued to the workman had been delivered to him. Accordingly, the service of notice was sufficiently presumed vide order dated 27.11.2020; however, in the interest of justice, another date was given for filing of statement of claim. The workman remained absent on 27.11.2020, 22.01.2021, 26.02.2021, 18.05.2021, 14.07.2021, 30.12.2021, 11.02.2022 and 18.02.2022. The workman neither turned up on any of the aforementioned dates nor moved any application or adjournment seeking time to file the statement of claim. More than two years' time has passed and the workman has failed to file its statement of claim, therefore, the case was reserved for award keeping in view the reluctance of the workman to prosecute the case.
5. In the above circumstances, it appears that the workman does not want to pursue his claim on the basis of which he has raised the present industrial dispute; therefore, the present reference order is decided as if there is no grievance left with the workman. Resultantly no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.
6. Award as above.

Let two copies of this award be sent to the Ministry for publication.

LUCKNOW.

11<sup>th</sup> May, 2022

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 973.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 82/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.10.2022 को प्राप्त हुआ था।

[सं. एल-23012/104/2018-आई. आर. (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 973.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 82/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 11.10.2022.

[No. L-23012/104/2018- IR (CM-II)]

RAJENDER SINGH, Under Secy.

### ANNEXURE

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.82/2018**

**Registered on:-11.12.2018**

Sh. Saran Dass S/o Sh. Shukroo, R/o Village Hannacho,  
Post Office Sainj, Tehsil Chachyot,  
Distt. Mandi, Himachal Pradesh-175001

... Workman

**Versus**

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/104/2018-IR(CM-II) dated 19.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Saran Dass S/o Sh. Shukroo for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for

appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No.82/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 974.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 92/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.10.2022 को प्राप्त हुआ था।

[सं. एल-23012/140/2018-आई. आर. सीएम-II]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 974.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 92/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 11.10.2022.

[No. L-23012/140/2018- IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.92/2018**

**Registered on:-11.12.2018**

Smt. Madi Devi & Ors., W/o Late Kashmir Lal,  
Village Nehr PO Harmora, Tehsil Sadar,  
Distt. Bilaspur, Himachal Pradesh-174001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/140/2018-IR(CM-II) dated 20/11/2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Madi Devi & Others, W/o Late Kashmir Lal for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.92/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 975.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सर्किल हेड, एचडीएफसी लाइफ, हाथीबरकला, देहरादून (यू.के); प्रबंध निदेशक हाउसकीपिंग एंड मेटेनेंस सर्विसेज, विमान नगर, पुणे, के प्रबंधन के संबद्ध नियोजकों और श्री राम गोपाल, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 118/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 20.09.2022 को प्राप्त हुआ था।

[सं. एल-42025/07/2022-26-आईआर(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 975.—**In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 118/2021) of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to The Sr. Circle Head, HDFC Life, Hathibarkala, Dehradun (U.K); The Managing Director Housekeeping & Maintenance Services, Viman Nagar, Pune and Shri Ram Gopal, Worker which was received along with soft copy of the award by the Central Government on 20.09.2022.

[No. L-42025/07/2022-26-IR (DU) ]

D. K. HIMANSHU, Under Secy.

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—CUM- LABOUR COURT-II, NEW DELHI

Present: Smt. Pranita Mohanty

ID. NO. 118/2021

Shri Ram Gopal,  
S/o Shri Ishwari Prasad,  
62/1, Chukkhuwal,  
Dehradun-248001.

... Workman

Versus

1. The Sr. Circle Head,  
HDFC Life, NCR Plaza,  
Hathibarkala, Dehradun-248001 (UK).
2. The Managing Direc Housekeeping & Maintenance Services,  
304, 3<sup>rd</sup> Floor, Nyati Millenium,  
Viman Nagar, Pune-411014.

... Managements

## AWARD

In the present case, a reference was received from the appropriate Government vide reference no. D-836/AD/2021/01/IRDDN dated 05.07.2021 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the termination of the service of Shri Ram Gopal S/o Shri Ishwari Prasad, Dehradun, who was engaged in HDFC Life, NCR Plaza, Hathibarkala, Dehradun by M/s International Housekeeping & Maintenance Services, Pune Contractor of HDFC Life Dehradun, for the period from 01.07.2017 to 22.05.2019 is proper and justified.”

If so, to what relief, the workman is entitled to by way of compensation, if any?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant opted not to file the claim statement with the Tribunal.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.
4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 976.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एसएएम सर्वेयर्स एंड एडजस्टर्स, चेन्नई (तमिलनाडु); मैसर्स कंटेनर कॉर्पोरेशन ऑफ इंडिया लिमिटेड, इनलैंड कंटेनर डिपो, तुगलकाबाद, नई दिल्ली, के प्रबंधन के संबंधित नियोजकों और दिल्ली प्लंबर एलाइड इंडस्ट्रियल वर्कर्स यूनियन, नई दिल्ली के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 162/2020) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 20.09.2022 को प्राप्त हुआ था।

[सं. एल -42011/71/2020-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 976.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 162/2020) of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s SAM Surveyors and Adjusters, Chennai (Tamilnadu) ; M/s Container Corporation of India Ltd., Inland Content Depot, Tughlakabad, New Delhi and Delhi Plumber Allied Industrial Workers Union, New Delhi, which was received along with soft copy of the award by the Central Government on 20.09.2022.

[No. L-42011/71/2020 -IR (DU)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT-II, NEW DELHI

**Present:** Smt. Pranita Mohanty

**ID.NO.162/2020**

Delhi Plumber Allied Industrial Workers Union (Reg.)

1801/9, 1<sup>st</sup> Floor, Govindpuri Extension, Main Road, Kalkaji,

New Delhi-110019.

...Workman

#### VERSUS

1. M/s SAM Surveyors and Adjusters,

53, Venkatachalam Street Royapuram,

Chennai (Tamilnadu) 600013.

2. M/s Container Corporation of India Ltd.

Inland Content Depot, Tughlakabad,

New Delhi-110020.

...Managements

#### AWARD

In the present case, a reference was received from the appropriate Government vide reference no. L-42011/71/2020 (IR(DU) dated 15.09.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the demands raised by the workers mentioned in Annexure A through Delhi Plumber Allied Industrial Workers Union (regd. ) letter dated 10.07.2017 (enclosed as Annexure) are proper, legal and justified? If yes, to what relief these workers are entitled and what directions are necessary in this regard?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimants union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman union as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimants union. Despite service of the notice, claimants union opted to abstain away from the proceedings. No claim statement was filed on their behalf. Thus, it is clear that the claimants are not interested in adjudication of the reference on merits.

4. Since the claimants neither put their appearance nor led any evidence so as to prove their cause against the managements, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 977.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्मी बेस हॉस्पिटल, नई दिल्ली; मेसर्स प्रीहारी साइबर सिक्योरिटी एंड फैसिलिटीज प्राइवेट लिमिटेड, साउथ पटेल नगर, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्रीमती रेहाना बेगम, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 211/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 20.09.2022 को प्राप्त हुआ था।

[सं. एल -42011/78/2021-आईआर(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 977.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 211/2021) of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to Army Base Hospital., New Delhi ; M/s Prehari Cyber Security and Facilities Pvt .Ltd., South Patel Nagar, New Delhi and Smt. Rehana Begum, Worker, which was received along with soft copy of the award by the Central Government on 20.09.2022.

[No. L-42011/78/2021 -IR (DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty**ID.NO.211/2021**

Smt. Rehana Begum, W/o Mohd. Zakir Hussain,  
Through –Delhi Dalit Mazdoor Vikas Sangathan,  
CB-06, Ring Road, Narayana, New Delhi-110028.

... Workman

1. Army Base Hospital,  
Kirby Place, Delhi Cantt, New Delhi-110010.
2. M/s Prehari Cyber Security and Facilities Pvt. Ltd.  
8/40, 1<sup>st</sup> Floor, South Patel Nagar, New Delhi-110008.

...Managements

**AWARD**

In the present case, a reference was received from the appropriate Government vide letter No.L-42011/78/2021 (IR(DU)) dated 01.09.2021 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the demand of bonus for the year 2017-18 by Smt. Rehana Begum w/o Mohd Zakir Hussain (ward assistant) raised through Delhi Dalit Mazdoor Vikas Sangathan (Regd. 4290) vide letter dated 18.11.2019 against the management of Army Base Hospital and M/s Prehari Cyber Security and Facilities Pvt. Ltd. is legal, valid and justified? If yes, what relief the disputant is entitled to and what other directions, if any, are necessary in this regard?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the

proceedings. No claim statement was filed on her behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in her appearance nor has she led any evidence so as to prove her cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 978.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ईंधन परिसर, परमाणु ऊर्जा विभाग, हैदराबाद, के प्रबंधन के संबंध में और श्री डी. पांडु, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-हैदराबाद पंचाट(संदर्भ संख्या 97/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[सं. एल-42012/206/2015-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 978.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/2015) of the Central Government Industrial Tribunal cum Labour Court – Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to The Chief Executive, Nuclear Fuel Complex, Department of Atomic Energy, Hyderabad, New Delhi and Shri D. Pandu, Worker which was received along with soft copy of the award by the Central Government on 10.10.2022.

[No. L-42012/206/2015-IR (DU)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present:** Sri V. Vijay Kumar, LLM, Presiding Officer

Dated the 12<sup>th</sup> day of May, 2022

#### INDUSTRIAL DISPUTE No. 97/2015

#### **Between:**

Sri D. Pandu,  
S/o Late D. Mallaiah Goud,  
R/o 3-1-12/1, Mallapur,  
Nacharam, Uppal Mandal,  
Hyderabad – 500076.

...Petitioner

#### AND

The Chief Executive,  
Nuclear Fuel Complex,  
Department of Atomic Energy,  
Hyderabad – 500062.

...Respondent

#### **Appearances:**

For the Petitioner : M/s. G. Ravi Mohan & Vikas Sharma, Advocates

For the Respondent : M/s. Ravinder Viswanath, Advocates



**AWARD**

The Government of India, Ministry of Labour by its order No.L-42012/206/2015-IR(DU) dated 7.12.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Nuclear Fuel Complex and their workman. The reference is,

**SCHEDULE**

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Sh. D. Pandu Goud, S/o Late Sh. D. Mallaiah Goud, is illegal, arbitrary and violation of the Section 25F of ID Act, 1947? If yes, to what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 97/2015 and notices were issued to the parties concerned. Both the workman as well as the management entered appearance. The workman also filed claim statement. The management remained ex-parte. No counter or written statement is seen filed by the management. The workman also did not take any steps for adducing evidence.

2. It is seen that this matter is pending from 28.12.2015. There is no appearance for parties from 28.11.2018. The matter is pending for more than several years without any progress in adjudication of the dispute. It is felt that the workman Petitioner is not interested in proceeding the matter any further. Hence, it is felt that it is a proper case where a ‘No Claim’ award can be passed. As such, a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 12<sup>th</sup> day of May, 2022.

V. VIJAY KUMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the  
Petitioner

NIL

Witnesses examined for the  
Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 979.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ईंधन परिसर, परमाणु ऊर्जा विभाग, हैदराबाद, के प्रबंधन के संबद्ध नियोजकों और श्री एस. राजेश्वर, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-हैदराबाद पंचाट (संदर्भ संख्या 99/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[सं. एल-42012/208/2015-आईआर(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 979.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 99/2015) of the Central Government Industrial Tribunal cum Labour Court – Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to The Chief Executive, Nuclear Fuel Complex, Department of Atomic Energy, Hyderabad, New Delhi and Shri S. Rajeshwar, Worker which was received along with soft copy of the award by the Central Government on 10.10.2022.

[No. L-42012/208/2015-IR (DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT  
HYDERABAD**

**Present: -** Sri V. Vijay Kumar, LLM, Presiding Officer

Dated the 12<sup>th</sup> day of May, 2022

**INDUSTRIAL DISPUTE No. 99/2015**

**Between:**

Sri S. Rajeshwar,  
S/o Komaraiah,  
R/o 1-99, Mallapur,  
Nacharam, Uppal Mandal,  
Hyderabad – 500076.

... Petitioner

**AND**

The Chief Executive,  
Nuclear Fuel Complex,  
Department of Atomic Energy,  
Hyderabad – 500062.

... Respondent

**Appearances:**

For the Petitioner : M/s. G. Ravi Mohan & Vikas Sharma, Advocates

For the Respondent : M/s. Ravinder Viswanath, Advocates

**AWARD**

The Government of India, Ministry of Labour by its order No.L-42012/208/2015-IR(DU) dated 7.12.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Nuclear Fuel Complex and their workman. The reference is,

**SCHEDULE**

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Sh. S. Rajeswar, S/o Komaraiah, is illegal, arbitrary and violation of the Section 25F of ID Act, 1947? If yes, to what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 99/2015 and notices were issued to the parties concerned. Both the workman as well as the management entered appearance. The workman also filed claim statement. The management remained ex-parte. No counter or written statement is seen filed by the management. The workman also did not take any steps for adducing evidence.

2. It is seen that this matter is pending from 28.12.2015. There is no appearance for parties from 28.11.2018. The matter is pending for more than seven years without any progress in adjudication of the dispute. It is felt that the workman/Petitioner is not interested in proceeding the matter any further. Hence, it is felt that it is a proper case where a ‘No Claim’ award can be passed. As such, a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 12<sup>th</sup> day of May, 2022.

V. VIJAY KUMAR, Presiding Officer

**Appendix of evidence**Witnesses examined for the  
Petitioner

NIL

Witnesses examined for the  
Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 980.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ईंधन परिसर, परमाणु ऊर्जा विभाग, हैदराबाद, के प्रबंधन के संबद्ध नियोजकों और श्रीमती ए अरुणा, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- हैदराबाद पंचाट (संदर्भ संख्या 104/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[फा. सं. एल-42012/213/2015-आईआर (डीयू)]

डी. के. हिमांशु, अवसर सचिव

New Delhi, the 11th October, 2022

**S.O. 980.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 104/2015) of the Central Government Industrial Tribunal cum Labour Court – Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to The Chief Executive, Nuclear Fuel Complex, Department of Atomic Energy, Hyderabad, New Delhi and Smt. A. Aruna, Worker which was received along with soft copy of the award by the Central Government on 10.10.2022.

[F. No. L-42012/213/2015-IR (DU) ]

D. K. HIMANSHU, Under Secy.

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT  
HYDERABAD****Present:** - Sri V. Vijay Kumar, LLM, Presiding OfficerDated the 12<sup>th</sup> day of May, 2022**INDUSTRIAL DISPUTE No. 104/2015****Between:**Smt. A. Aruna,  
W/o Tirupathi Reddy,  
R/o 13-3/3, Mallapur,  
Nacharam, Uppal Mandal,  
Hyderabad – 500076.

..Petitioner

**AND**The Chief Executive,  
Nuclear Fuel Complex,  
Department of Atomic Energy,  
Hyderabad – 500062.

... Respondent

## Appearances:

For the Petitioner : M/s. G. Ravi Mohan &amp; Vikas Sharma, Advocates

For the Respondent: M/s. Ravinder Viswanath, Advocates

**AWARD**

The Government of India, Ministry of Labour by its order No. L-42012/213/2015-IR(DU) dated 7.12.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Nuclear Fuel Complex and their workman. The reference is,

**SCHEDULE**

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Smt. A. Aruna W/o Tirupathi Reddy, is illegal, arbitrary and violation of the Section 25F of ID Act, 1947? If yes, to what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 104/2015 and notices were issued to the parties concerned. Both the workman as well as the management entered appearance. The workman also filed claim statement. The management remained ex-parte. No counter or written statement is seen filed by the management. The workman also did not take any steps for adducing evidence.

2. It is seen that this matter is pending from 28.12.2015. There is no appearance for parties from 28.11.2018. The matter is pending for more than several years without any progress in adjudication of the dispute. It is felt that the workman Petitioner is not interested in proceeding the matter any further. Hence, it is felt that it is a proper case where a ‘No Claim’ award can be passed. As such, a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 12<sup>th</sup> day of May, 2022.

V. VIJAY KUMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 981.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ईंधन परिसर, परमाणु ऊर्जा विभाग, हैदराबाद, के प्रबंधन के संबद्ध नियोजकों और श्री बी संदीप, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-हैदराबाद पंचाट (संदर्भ संख्या 109/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[सं. एल -42012/218/2015-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 981.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 109/2015) of the **Central Government Industrial Tribunal cum Labour Court – Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chief Executive, Nuclear Fuel Complex, Department of Atomic Energy, Hyderabad, New Delhi and Shri B. Sandeep, Worker** which was received along with soft copy of the award by the Central Government on 10.10.2022.

[F. No. L-42012/218/2015-IR (DU) ]

D.K. HIMANSHU, Under Secy.

### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri V. Vijay Kumar, LLM** Presiding Officer

Dated the 12<sup>th</sup> day of May, 2022

#### INDUSTRIAL DISPUTE No. 109/2015

Between:

Sri B. Sandeep,  
S/o Heeralal,  
R/o 6-24/1, Subhash Nagar,  
Mallapur, Nacharam,  
Uppal Mandal,  
Hyderabad – 500076.

.....Petitioner

AND

The Chief Executive,  
Nuclear Fuel Complex,  
Department of Atomic Energy,  
Hyderabad – 500062.

... Respondent

Appearances:

For the Petitioner : M/s. G. Ravi Mohan & Vikas Sharma, Advocates

For the Respondent: M/s. Ravinder Viswanath, Advocates

### AWARD

The Government of India, Ministry of Labour by its order No. L-42012/218/2015-IR(DU) dated 7.12.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Nuclear Fuel Complex and their workman. The reference is,

### SCHEDULE

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Sh. B. Sandeep S/o Heeralal, is illegal, arbitrary and violation of the Section 25F of ID Act, 1947? If yes, to what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 109/2015 and notices were issued to the parties concerned. Both the workman as well as the management entered appearance. The workman also filed claim statement. The management remained ex-parte. No counter or written statement is seen filed by the management. The workman also did not take any steps for adducing evidence.

2. It is seen that this matter is pending from 28.12.2015. There is no appearance for parties from 28.11.2018. The matter is pending for more than several years without any progress in adjudication of the dispute. It is felt that the workman/Petitioner is not interested in proceeding the matter any further. Hence, it is felt that it is a proper case where a ‘No Claim’ award can be passed. As such, a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 12<sup>th</sup> day of May, 2022.

V. VIJAY KUMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली 11 अक्टूबर, 2022

**का.आ. 982.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधीक्षक पुरातत्वविद्, भारतीय पुरातत्व सर्वेक्षण, औरंगाबाद; संरक्षण सहायक, दौलताबाद किला, भारतीय पुरातत्व सर्वेक्षण, औरंगाबाद, के प्रबंधन के संबंध में नियोजकों और श्री उबेद खान वहीद खान, कामगार, के बीच अनुबंध में निर्दिष्ट श्रम न्यायालय-1 औरंगाबाद पंचाट(संदर्भ संख्या 27/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[सं. एल -42025/07/2022-26-आईआर (डीयू)]

डी.के. हिमांशु, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 982.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 27/2018) of the **Labour Court-1 Aurangabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Superintending Archaeologist, Archaeological Survey of India, Aurangabad ;The conservation Assistant, Daulatabad Fort, Archaeological Survey of India, Aurangabad and Shri Ubed Khan Wahed Khan, Worker** which was received along with soft copy of the award by the Central Government on 10.10.2022.

[No. L-42025/07/2022-26-IR (DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**

**IN THE LABOUR COURT-I AT AURANGABAD.**

(Presided over by M.Y.Amrutkar)

REFERENCE (IDA) NO. 27/2018

CNR NO.MH-LC- 20-002734-2016

Between

1. The Superintending Archaeologist,  
Archaeological Survey of India,  
Aurangabad Circle,  
1<sup>st</sup> Floor, D.R.BAMO Campus,  
Near Munciple Hospital Nandavan Colony,  
Aurangabad.

2. The conservation Assistant,  
Daulatabad Fort,  
Archaeological Survey of India,  
Tq. Dist. Aurangabad. .... First Party

AND

Ubed Khan Wahed Khan,  
Abdi Mandi, Post. Daulatabad,  
Aurangabad ..... Second Party

**Claim:- Under Section 2A (2) of I.D.Act, 1947**

**Advocates:** Mr. U.V.Khonde, for the second Party.

Mr. R. B. Bhosale, for the First party.

**AWARD**

( Dtd.21.09.2022 )

1 The second party suo-moto approached before this Court on lapses of 45 days from the date of conciliation proceeding under Section 2A (2) of the Industrial Disputes Act, 1947 for reinstatement in service with continuity and full back-wages w.e.f. 13/12/2010. So also the Deputy Director of Central Govt. by its order dtd. 02/01/2019 has also referred the Reference for its adjudication as mentioned in Schedule.

2. The second party worked as a labour with first party since 2002 for 9 years. The second party had completed 240 days in every calendar year. On 13.12.2010, the first party discontinued the service of the second party without any reason. The second party submitted that the work allotted to him is perennial in nature. He used to clean for premises, cutting grass and maintain entire fort. The second party submitted that first party never issued any charge sheet, memo or notice to him. The termination order is arbitrary, illegal and unfair labour practice. The first party did not offer retrenchment compensation, notice, notice pay to the second party at the time of termination. The first party did not publish seniority list as per Rule 80 of I.D.Act, and not followed the of 'last come, first go'. The second party issued demand notice to the first party, however, the first party did not reply. Hence, the second party approached to Central Labour Commissioner for interference. The first party appeared before the Central Labour Commissioner and put their Say before the authority. The authority tried to settle the matter but first party did not show any willingness to reinstate the second party. Therefore, the Deputy Director, Govt. Of India, Ministry of Labour, New Delhi, referred the matter before this Court for adjudication. The second party lastly prayed that he may be reinstated in service with continuity of service and back wages.

3 The first party no. 1 & 2 filed their Written Statement at Ex.C-4. The first party submitted that the Reference itself is not maintainable on the ground that Industrial Disputes Act, is not applicable to first party. The primary object of the Archaeological Survey of India (A.S.I.) is implementation of the "Ancient Monuments and Archaeological sites and Remains Act, 1958 and "Antiquities Arts Treasurer Act, 1972 on behalf of the Union in fulfillment of the constitutional responsibilities for maintenance of cultural property and monuments. Thus, the activities of first party do not come under the definition of Industry for the purpose of Industrial Disputes Act, 1947. The first party do not come under the definition of Industry for the purpose of Industrial Disputes Act, 1947. The first party submitted that second party was working as a casual labour from 2002 at Daulatabad Fort and he was engaged on the basis of as and when work available for cleaning, sweeping, watch and ward removal of rank vegetation etc. The first party submitted that as the activities of first party does not constitute an 'Industry' for the purpose of Industrial Disputes Act, 1947, hence, there is no need to comply the provisions under I.D.Act,1947. Therefore, the Reference is not maintainable and there is no question of reinstatement of service to the second party. Hence, the Reference may kindly be answered in negative.

4 After rival pleadings of the parties, following issues are framed by my learned Predecessor at Ex.O:03, I have recorded my findings thereon for the reasons given below.

Sr No	Issues	Findings
1	Whether the second party prove that he is 'workman' as defined U/s. 2 (s) of the I.D.Act ?	In the affirmative
2	Whether the second party prove that the first party is an 'industry' ?	In the affirmative

3	Whether the second party-workman prove that he has completed more than 240 days continuous service in each year before termination with first party ?	In the affirmative
4	Whether the second party-workman prove that termination order dated 13/12/2010 is illegal and liable to be set aside ?	In the affirmative
5	Whether the second party-workman prove that the first party has committed unfair labour practice ?	In the affirmative
6	Whether the second party-workman prove that he is entitled for reinstatement in service with continuity along with back wages ?	Partly affirmative
7	What Award ?	The Reference is answered partly in affirmative

### Reasons

5 It is not disputed that this court has decided this Reference and passed award dtd. 25.8.2021. Against that award, the second party approached to Hon'ble High court of judicature at Bombay Bench at Aurangabad. The Hon'ble High court of judicature at Bombay Bench at Aurangabad remanded back the reference to this court and directed to give equal opportunity to lead evidence on the issue in respect whether the first party is come under the definition of 'industry' & observed that, there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the reference.

6 The first party came before the Court with a defense that Archaeological Survey Of India (ASI) did not fall within the meaning of 'industry' as defined under section 2 (j ) of the Industrial Disputes Act, 1947. The learned Counsel for first party Advocate Shri. Bhosale argued that the Daulatabad Fort has been declared by the Government of India as a protected Monument, therefore, it cannot be termed as an 'industry'. The primary activities of ASI for implementation of the statutory law and maintenance, conservation and preservation of centrally protected monuments sites and remains, conducting archeological explorations and excavations, development of geographically and numismatic research and publication, setting up the recognition of the site museums, training in archeology, archeological expeditions outside India, horticulture operations in and around ancient monuments and remains etc. All these statutory duties entrusted to first party are regal function and therefore it is by no means any business, trade undertaking, manufacturing or calling of employers, aimed to earn profits. Thus function of ASI is not an activity carries on for production, supply or distribution of goods or services with a view to satisfy human wants or wishes. Therefore, the activities of first party do not come under the definition of the Industry for the purpose of Industrial Disputes Act, 1947. Therefore, the Reference is not itself maintainable.

7. He further argued that the O.M. of Government of India, Ministry of Tourism and Cultural Department, New Delhi dtd.15/09/2013 held that the activity of ASI does not constitute the Industry for the purpose of I.D.Act and therefore provisions of I.D.Act are not applicable to Archaeological Survey Of India. The said O.M. is itself is a Government approved policy. The OM dtd. 15/09/2003 has been issued in concurrence with the provisions of "Ancient Monuments and Archaeological Sites and Remains Act, 1958 and "Antiquities Arts Treasurer Act, 1972". It is not just an office letter, it has a statutory effect of the above Acts passed by the Parliament. He further argued that first party is not receiving income from tickets, publication, use of camera etc. The said amount of collection is being deposited with the Government of India thorough Treasury Office. It is not running a business model which carries production, service of any kind to fulfill human needs of any kind. He further argued that the services of the second party were utilized from 2002 as a casual labour on daily wages basis at Daulatabad Fort that too as and when work is available for cleaning, sweeping, watch and ward, removal of rank vegetation etc., as per the requirement and availability of the work under the provisions in the estimate and budget allotted to this office by the Central Government. He further argued that the second party has completed 240 days of work in a calendar year in capacity of Casual Labour he is not entitled for appointment for permanent employment as "Casual Workers" or "temporary workers". He further argued that as per General Finance Rules, 2017 framed by Government of India, Ministry of Finance Department of expenditure the need of casual labourers is being fulfilled through outsourcing from contractor. Since 2017 no direct work is being allotted by the ASI directly to the labours on daily work basis or otherwise. Since 2017 all kind of work is being allotted through consulting services providers. It is argued that the Government has framed policy of engaging casual labour through outsourcing following the GFR Provisions. Addl. Director General (Admn.) ASI, New Delhi has informed vide letter dtd. 10/08/2017 the said guidelines. Since, the policy is framed by the Government in 2017, and since then no direct engagement is being carried by the ASI. All necessary manpower required for the specific labour work is being fulfilled through outsourcing strictly in accordance



of GFR 2017. It is argued that the first party is not industry within the meaning of section 2 (j) of the I.D.Act, therefore, the provisions of I.D.Act are not applicable.

8. The learned Counsel for the second party Mr. Khonde submitted that it is not disputed that second party had completed 240 days in every calendar year. The disputed fact is only whether the first party employer is within the meaning of 'industry' as defined under Sec. 2 (j) of the I.D.Act, 1947. It is argued that first party earned its revenue collecting ticket fare and by publishing their information. The first party does not carries Sovereign function then automatically the first party will be in the ambit of industry. The any administrative order issued by any Government office is not binding on any Court. The issue of industry has to be decided by this Court only and not by Government Department. He further argued that any central government or state office have no right to decide or give any verdict whether the particular department is an 'industry' or not. Therefore office order or whatever issued by the department about 'industry' or not is illegal and without any jurisdiction. Only Labour & Industrial Courts have powers to adjudicate the issue whether the particular department is 'industry' or not. He further argued that in *Bangalore Water Supply & Sewerage Board etc V. A. Rajappa and Ors etc.*, it is held that Appellant falls within the definition of Industry and that there was nothing wrong in the Tribunal granting the relief to the respondent by considering him as a workman. In case of *Union of India Thru. it's secretary Culture and Anr. Vs. Surendra Singh Rashtriya Adhyaksha INTUC and Anr. 2019 SCC online LL 4671*, the Hon'ble Court had already held that the Garden of the Archaeological Survey Of India is an industry.

As to issue no.1 and 3 :

9. This court is already decided this issue and declared that the second party is come under the definition of workman which not in question and there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the Reference. Therefore I answered issue no.1 and 03 in affirmative.

As to issue No. 02.

10. It is the main dispute between parties that whether the first party comes under the definition of Industry or not. The Hon'ble High court of judicature at Bombay Bench at Aurangabad directed to give equal opportunity to both parties to lead evidence on this issue. The second party examined himself vide Exh. U-28. The second party deposed that the first party comes under the definition of Industry. The Learned Advocate for first party not even put a suggestion during the cross examination therefore oral evidence of second party is unshuffled.

11. The first party in order to prove their case examined Mr. Vilish Ramteke. He deposed on oath that the first party is not come under the definition of Industry. In support of his oral averment he filed documentary evidence. The first party filed office memorandum dtd. 15.9.2003 vide Exh. C-22, E-procurement and engagement of manpower dtd 10.8.2017 vide Exh. C-23, the copy of order passed by Labour Court Jabalpur. Vide Exh. C-24, copy of order passed by Central Administrative Tribunal Bombay in Original application no. 764/2013 to 769/2013 vide Exh. C-25 and copy of order passed by Hon'ble Bomay High court in writ petition no. 4484 of 2003 vide Exh. C-26 and C-27.

While deciding this issue I have to see the definition of Industry.

The definition of Industry is exhaustive and both inclusive and exclusive. It thus consists of three parts. Part one deals with the general scope of 'industry' and the inclusive and exclusive parts two and three clarify as to what is definitely included and excluded from the scope of the definition.

- (a) Industry means any systematic activity carried on by cooperation between an employer and his workmen.
  - (b) The activity must be for the
    - (i) production, or
    - (ii) supply, or
    - (iii) distribution of goods, or
    - (iv) services with a view to satisfy human wants or wishes.
  - (c) The employment of workmen may be by such employer, directly or by or through any agency, including a contractor
  - (d) Human wants or wishes to be satisfied must not be wants or wishes which are merely spiritual or religious in nature.
  - (e) Further, it is clarified that investment of capital is not a necessary element for carrying on the activity of an industry, nor is the motive to make any gain or profit essential.
1. The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.

2. If the organisation is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

12 The learned Counsel for the second party relied on following authorities:

- 1) Chief Conservator of Forest Vs. Jagannath Maruti Kondhare 1996 (72) FLR 840 (SC)
- 2) General Manager Telecom Vs. S. Shrinivasa Rao 1998 (78) FLR 143 (SC)
- 3) Coir Board, Ernakulam Vs. Indira Devi P.S. (SC) 1998 (78) FLR 847 (SC)
- 4) Coir Board, Ernakulam Kerala State & Anr. Vs. Indira Devi P.S. 2000 (1) SCC 224 (SC)
- 5) State Bank of Indore Vs. Rashtriya Mazdoor Sena and Ors 2003 (98) FLR 1143 (SC)

13 I relied on the Judgment of Supreme Court in the case of Benglore Water Supply Sewerage of Boards etc Vs. A. Rajappa and others (1978) 2 SSC 213.

"Where there is (i) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss e.g. making on a large scale Prasad or food), prima facie, there is an 'industry' in that enterprise."

14 While applying the test laid down in determining whether an activity falls within Industry it is necessary to remember that Industrial Disputes Act, 1947 is a legislature intended to remember that industrial harmony between management and labour in an industry so that production does not suffer and at the same time, labour is not exploited and discontented and therefore the test must be so applied as to give the widest possible connotation to the term Industry, whenever question arises whether a particular concern is an industry the approach must be broad and liberal and not rigid or doctrinaire. The interpretation should be such as would advance object and purpose of IDA, 1947 and give full meaning and effect to it in the achievement of its avowed social objective. The mutual relationships between both parties, the method of employment and process of co-operation in the carrying out of the work bears close resemblance to organisation, method, remuneration, relationship of employer and employee it shows that first party comes under definition of Industry. It is the nature of actual function and of the pattern of organised activity that is decisive. It is human sector, the way the employer employee relations are set up and processed that gives rise to claims, demands, tensions, adjudications, settlements, truce and peace in industry. Though the first party relied on office memorandum vide Exh. C-22 which is subject to Archeological survey of India is not an Industry for the purpose of Industrial Disputes Act, 1947 and not having aimed to earn profit. However, it is clarified that investment of capital is not a necessary element for carrying on the activity of an industry, nor is the motive to make any gain or profit essential. The office memorandum is not binding on this court while deciding the legal issue. In the case in hand, a systematic activity carried on by first party with co-operation of his workmen. The services of first party with a view to satisfy human wants or wishes. Therefore, I have no hesitation to accept that first party an 'industry' defined in Section 2 (j) of the I.D. Act. Therefore, I answered issue no. 2 in affirmative.

As to issue no.4 to 6:

15. As there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the reference. The second party worked as a labour with first party since 2002 for 9 years. As per record produced before me it is the policy of first party that the work of casual employee not discontinued on humanitarian ground. The first party come with the case that the services of the second party were utilized from 2002 as a casual labour on daily wages basis at Daulatabad Fort that too as and when work is available for cleaning, sweeping, watch and ward, removal of rank vegetation etc., as per the requirement and availability of the work under the provisions in the estimate and budget allotted to this office by the Central Government. The second party has completed 240 days of work in a calendar year in capacity of Casual Labour he is not entitled for appointment for permanent employment as "Casual Workers" or "temporary workers". However the second party has not claiming permanency in this case.

16 The first party has another contention is that, "as per General Finance Rules, 2017 framed by Government of India, Ministry of Finance Department of expenditure the need of casual labourers is being fulfilled through outsourcing from contractor. Therefore, since 2017 no direct work is being allotted by the ASI directly to the labours on daily work basis or otherwise and all kind of work is being allotted through consulting services providers. However, It is settled law that the work which is in permanent nature if given on contract basis is amounts to unfair labour practice. The employer can not engage contractor worker in place of regular type of worker. Once it is accepted by the first that the second party has completed 240 days in each preceding year before the date of termination then it is obligatory on the part of first party to comply provisions of sec. 25 F while terminating the services of the second party. From the material on record I have not found that the first party has complied the provisions laid down in sec. 25 F of industrial Disputes Act, 1947. It amounts to unfair labour practice. Hence I

answered issue no. 4 and 5 in affirmative. Therefore, I have no hesitation to accept that the second party is entitled to get reinstatement with continuity of service.

17. The second party neither pleaded nor lead any evidence in concern to unemployment during intervenning period. Therefore second party has not entitled to get backwages. Hence I answerd issue no.6 as, the second party entitled to get reinstatement with continuity of service without back wages.

### AWARD

- (1) The Reference is answered in affirmative.
- (2) The second party is entitled to get reinstament in service with continuity of service w.e.f. 13.12.2010
- (3) No order as to costs.
- (4) The copy of the Award be sent for its publication to the Appropriate Government i.e. Deputy Director, Govt. Of India, Ministry of Labour, New Delhi.

M.Y.AMRUTKAR, Presiding Officer & Judge,  
Labour Court-1, Aurangabad

Dtd. 21/09/2022

Argued on : 07.09.2021  
Judgment dictated on : 21/09/2022  
Judgment transcribed on : 21/09/2022  
Judgment checked &  
signed on : 21/09/2022 \*

नई दिल्ली, 11 अक्टूबर, 2022

**का.आ. 983.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधीक्षक पुरातत्वविद्, भारतीय पुरातत्व सर्वेक्षण, औरंगाबाद; संरक्षण सहायक, दौलताबाद किला, भारतीय पुरातत्व सर्वेक्षण, औरंगाबाद, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री रंजीत विष्णु कीर्तिकार, कामगार, के बीच अनुबंध में निर्दिष्ट श्रम न्यायालय-1 औरंगाबाद पंचाट(संदर्भ संख्या 28/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[सं. एल -42025/07/2022-27-आईआर (डीयू)]

डी.के. हिमांशु, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 983.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 28/2018) of the **Labour Court-1 Aurangabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Superintending Archaeologist, Archaeological Survey of India, Aurangabad ;The conservation Assistant, Daulatabad Fort, Archaeological Survey of India, Aurangabad and Shri Ranjeet Vishnu Kirtikar, Worker** which was received along with soft copy of the award by the Central Government on 10.10.2022.

[No. L-42025/07/2022-27-IR (DU) ]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**  
**IN THE LABOUR COURT-I AT AURANGABAD.**  
**(Presided over by M.Y.Amrutkar)**  
**REFERENCE (IDA) NO. 28/2018**  
**CNR NO.MH-LC- 20-002735-2016**

**Between**

1. The Superintending Archaeologist,  
Archaeological Survey of India,  
Aurangabad Circle,  
1<sup>st</sup> Floor, D.R.BAMO Campus,  
Near Munciple Hospital Nandavan Colony,  
Aurangabad.
  2. The conservation Assistant,  
Daulatabad Fort,  
Archaeological Survey of India,  
Daulatabad  
Tq. Dist. Aurangabad.
- ....                      ....                      First Party

AND

Ranjeet Vishnu Kirtikar,  
Age: 35 Yrs, Occu: Nil,  
At Post. Rajwada, Post. Daulatabad,  
Dist. Aurangabad

....                      ....                      Second Party

**Claim:- Under Section 2A (2) of I.D.Act, 1947**

**Advocates:** Mr. U.V.Khonde, for the second Party.  
Mr.R.B.Bhosale, for the First party.

**AWARD**

( Dtd.21.09.2022 )

1 The second party suo-moto approached before this Court on lapses of 45 days from the date of conciliation proceeding under Section 2A (2) of the Industrial Disputes Act, 1947 for reinstatement in service with continuity and full back-wages w.e.f. 13/12/2010. So also the Deputy Director of Central Govt. by its order dtd. 02/01/2019 has also referred the Reference for its adjudication as mentioned in Schedule.

2. The second party worked as a labour with first party since 2004 for 7 years. The second party had completed 240 days in every calendar year. On 13.12.2010, the first party discontinued the service of the second party without any reason. The second party submitted that the work allotted to him is perennial in nature. He used to clean for premises, cutting grass and maintain entire fort. The second party submitted that first party never issued any charge sheet, memo or notice to him. The termination order is arbitrary, illegal and unfair labour practice. The first party did not offer retrenchment compensation, notice, notice pay to the second party at the time of termination. The first party did not publish seniority list as per Rule 80 of I.D.Act, and not followed the of 'last come, first go'. The second party issued demand notice to the first party, however, the first party did not reply. Hence, the second party approached to Central Labour Commissioner for interference. The first party appeared before the Central Labour Commissioner and put their Say before the authority. The authority tried to settle the matter but first party did not show any willingness to reinstate the second party. Therefore, the Deputy Director, Govt. Of India, Ministry of Labour, New Delhi, referred the matter before this Court for adjudication. The second party lastly prayed that he may be reinstated in service with continuity of service and back wages.

3 The first party no. 1 & 2 filed their Written Statement at Ex.C-3. The first party submitted that the Reference itself is not maintainable on the ground that Industrial Disputes Act, is not applicable to first party. The primary object of the Archaeological Survey of India (A.S.I.) is implementation of the "Ancient Monuments and Archaeological sites and Remains Act, 1958 and "Antiquities Arts Treasurer Act, 1972 on behalf of the Union in fulfillment of the constitutional responsibilities for maintenance of cultural property and monuments. Thus, the activities of first party do not come under the definition of Industry for the purpose of Industrial Disputes Act, 1947. The first party do not come under the definition of Industry for the purpose of Industrial Disputes Act, 1947. The first party submitted that second party was working as a casual labour from 2004 at Daulatabad Fort and he was engaged on the basis of as and

when work available for cleaning, sweeping, watch and ward removal of rank vegetation etc. The first party submitted that as the activities of first party does not constitute an 'Industry' for the purpose of Industrial Disputes Act, 1947, hence, there is no need to comply the provisions under I.D.Act, 1947. Therefore, the Reference is not maintainable and there is no question of reinstatement of service to the second party. Hence, the Reference may kindly be answered in negative.

4 After rival pleadings of the parties, following issues are framed by my learned Predecessor at Ex.O:03, I have recorded my findings thereon for the reasons given below.

Sr. No.	Issues	Findings
1	Whether the second party prove that he is 'workman' as defined U/s. 2 (s) of the I.D.Act ?	In the affirmative
2	Whether the second party prove that the first party is an 'industry' ?	In the affirmative
3	Whether the second party-workman prove that he has completed more than 240 days continuous service in each year before termination with first party ?	In the affirmative
4	Whether the second party-workman prove that termination order dated 13/12/2010 is illegal and liable to be set aside ?	In the affirmative
5	Whether the second party-workman prove that the first party has committed unfair labour practice ?	In the affirmative
6	Whether the second party-workman prove that he is entitled for reinstatement in service with continuity along with back wages ?	Partly affirmative
7	What Award ?	The Reference is answered partly in affirmative

#### Reasons

5 It is not disputed that this court has decided this Reference and passed award dtd. 25.8.2021. Against that award, the second party approached to Hon'ble High court of judicature at Bombay Bench at Aurangabad. The Hon'ble High court of judicature at Bombay Bench at Aurangabad remanded back the reference to this court and directed to give equal opportunity to lead evidence on the issue in respect whether the first party is come under the definition of 'industry' & observed that, there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the reference.

6 The first party came before the Court with a defense that Archaeological Survey Of India (ASI) did not fall within the meaning of 'industry' as defined under section 2 (j ) of the Industrial Disputes Act, 1947. The learned Counsel for first party Advocate Shri. Bhosale argued that the Daulatabad Fort has been declared by the Government of India as a protected Monument, therefore, it cannot be termed as an 'industry'. The primary activities of ASI for implementation of the statutory law and maintenance, conservation and preservation of centrally protected monuments sites and remains, conducting archeological explorations and excavations, development of geographically and numismatic research and publication, setting up the recognition of the site museums, training in archeology, archeological expeditions outside India, horticulture operations in and around ancient monuments and remains etc. All these statutory duties entrusted to first party are regal function and therefore it is by no means any business, trade undertaking, manufacturing or calling of employers, aimed to earn profits. Thus function of ASI is not an activity carries on for production, supply or distribution of goods or services with a view to satisfy human wants or wishes. Therefore, the activities of first party do not come under the definition of the Industry for the purpose of Industrial Disputes Act, 1947. Therefore, the Reference is not itself maintainable.

7. He further argued that the O.M. of Government of India, Ministry of Tourism and Cultural Department, New Delhi dtd.15/09/2013 held that the activity of ASI does not constitute the Industry for the purpose of I.D.Act and therefore provisions of I.D.Act are not applicable to Archaeological Survey Of India. The said O.M. is itself is a Government approved policy. The OM dtd. 15/09/2003 has been issued in concurrence with the provisions of "Ancient Monuments and Archaeological Sites and Remains Act, 1958 and "Antiquities Arts Treasurer Act, 1972". It is not just an office letter, it has a statutory effect of the above Acts passed by the Parliament. He further argued that first party is not receiving income from tickets, publication, use of camera etc. The said amount of collection is being deposited with the Government of India thorough Treasury Office. It is not running a business model which carries production, service of any kind to fulfill human needs of any kind. He further argued that the services of the second party were utilized from 2004 as a casual labour on daily wages basis at Daulatabad Fort that too as and when work is

available for cleaning, sweeping, watch and ward, removal of rank vegetation etc., as per the requirement and availability of the work under the provisions in the estimate and budget allotted to this office by the Central Government. He further argued that the second party has completed 240 days of work in a calendar year in capacity of Casual Labour he is not entitled for appointment for permanent employment as "Casual Workers" or "temporary workers". He further argued that as per General Finance Rules, 2017 framed by Government of India, Ministry of Finance Department of expenditure the need of casual labourers is being fulfilled through outsourcing from contractor. Since 2017 no direct work is being allotted by the ASI directly to the labours on daily work basis or otherwise. Since 2017 all kind of work is being allotted through consulting services providers. It is argued that the Government has framed policy of engaging casual labour through outsourcing following the GFR Provisions. Addl. Director General (Admn.) ASI, New Delhi has informed vide letter dtd. 10/08/2017 the said guidelines. Since, the policy is framed by the Government in 2017, and since then no direct engagement is being carried by the ASI. All necessary manpower required for the specific labour work is being fulfilled through outsourcing strictly in accordance of GFR 2017. It is argued that the first party is not industry within the meaning of section 2 (j) of the I.D.Act, therefore, the provisions of I.D.Act are not applicable.

8. The learned Counsel for the second party Mr. Khonde submitted that it is not disputed that second party had completed 240 days in every calendar year. The disputed fact is only whether the first party employer is within the meaning of 'industry' as defined under Sec. 2 (j) of the I.D.Act, 1947. It is argued that first party earned its revenue collecting ticket fare and by publishing their information. The first party does not carries Sovereign function then automatically the first party will be in the ambit of industry. The any administrative order issued by any Government office is not binding on any Court. The issue of industry has to be decided by this Court only and not by Government Department. He further argued that any central government or state office have no right to decide or give any verdict whether the particular department is an 'industry' or not. Therefore office order or whatever issued by the department about 'industry' or not is illegal and without any jurisdiction. Only Labour & Industrial Courts have powers to adjudicate the issue whether the particular department is 'industry' or not. He further argued that in Bangalore Water Supply & Sewerage Board etc V. A. Rajappa and Ors etc., it is held that Appellant falls within the definition of Industry and that there was nothing wrong in the Tribunal granting the relief to the respondent by considering him as a workman. In case of Union of India Thru. it's secretary Culture and Anr. Vs. Surendra Singh Rashtriya Adhyaksha INTUC and Anr. 2019 SCC online LL 4671, the Hon'ble Court had already held that the Garden of the Archaeological Survey Of India is an industry.

#### **As to issue no.1 and 3 :**

9. This court is already decided this issue and declared that the second party is come under the definition of workman which not in question and there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the Reference. Therefore I answered issue no.1 and 03 in affirmative.

#### **As to issue No. 02.**

10. It is the main dispute between parties that whether the first party comes under the definition of Industry or not. The Hon'ble High court of judicature at Bombay Bench at Aurangabad directed to give equal opportunity to both parties to lead evidence on this issue. The second party examined himself vide Exh.U-19. The second party deposed that the first party comes under the definition of Industry. The Learned Advocate for first party not even put a suggestion during the cross examination therefore oral evidence of second party is unshuffled.

11. The first party in order to prove their case examined Mr. Vilish Ramteke. He deposed on oath that the first party is not come under the definition of Industry. In support of his oral averment he filed documentary evidence. The first party filed office memorandum dtd. 15.9.2003 vide Exh.C-20, E-procurement and engagement of manpower dtd 10.8.2017 vide Exh. C-21, the copy of order passed by Labour Court Jabalpur. Vide Exh. C-22 , copy of order passed by Central Administrative Tribunal Bombay in Original application no. 764/2013 to 769/2013 vide Exh. C-23 and copy of order passed by Hon'ble Bomay High court in writ petition no. 4484 of 2003 vide Exh. C-24 and C-25.

While deciding this issue I have to see the definition of Industry.

The definition of Industry is exhaustive and both inclusive and exclusive. It thus consists of three parts. Part one deals with the general scope of 'industry' and the inclusive and exclusive parts two and three clarify as to what is definitely included and excluded from the scope of the definition.

- (a) Industry means any systematic activity carried on by cooperation between an employer and his workmen.
- (b) The activity must be for the
  - (i) production, or
  - (ii) supply, or
  - (iii) distribution of goods, or

- (iv) services with a view to satisfy human wants or wishes.
- (c) The employment of workmen may be by such employer, directly or by or through any agency, including a contractor
- (d) Human wants or wishes to be satisfied must not be wants or wishes which are merely spiritual or religious in nature.
- (e) Further, it is clarified that investment of capital is not a necessary element for carrying on the activity of an industry, nor is the motive to make any gain or profit essential.
1. The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
  2. If the organisation is a trade or business it does not cease to be one because of philanthropy animating the undertaking.
- 12 The learned Counsel for the second party relied on following authorities:
- 1) Chief Conservator of Forest Vs. Jagannath Maruti Kondhare 1996 (72) FLR 840 (SC)
  - 2) General Manager Telecom Vs. S. Shrinivasa Rao 1998 (78) FLR 143 (SC)
  - 3) Coir Board, Ernakulam Vs. Indira Devi P.S. (SC) 1998 (78) FLR 847 (SC)
  - 4) Coir Board, Ernakulam Kerala State & Anr. Vs. Indira Devi P.S. 2000 (1) SCC 224 (SC)
  - 5) State Bank of Indore Vs. Rashtriya Mazdoor Sena and Ors 2003 (98) FLR 1143 (SC)
13. I relied on the Judgment of Supreme Court in the case of Benglore Water Supply Sewerage of Boards etc Vs. A. Rajappa and others (1978) 2 SSC 213.

"Where there is (i) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss e.g. making on a large scale Prasad or food), prima facie, there is an 'industry' in that enterprise."

14. While applying the test laid down in determining whether an activity falls within Industry it is necessary to remember that Industrial Disputes Act, 1947 is a legislature intended to remember that industrial harmony between management and labour in an industry so that production does not suffer and at the same time, labour is not exploited and discontented and therefore the test must be so applied as to give the widest possible connotation to the term Industry, whenever question arises whether a particular concern is an industry the approach must be broad and liberal and not rigid or doctrinaire. The interpretation should be such as would advance object and purpose of IDA, 1947 and give full meaning and effect to it in the achievement of its avowed social objective. The mutual relationships between both parties, the method of employment and process of co-operation in the carrying out of the work bears close resemblance to organisation, method, remuneration, relationship of employer and employee it shows that first party comes under definition of Industry. It is the nature of actual function and of the pattern of organised activity that is decisive. It is human sector, the way the employer employee relations are set up and processed that gives rise to claims, demands, tensions, adjudications, settlements, truce and peace in industry. Though the first party relied on office memorandum vide Exh. C-20 which is subject to Archeological survey of India is not an Industry for the purpose of Industrial Disputes Act, 1947 and not having aimed to earn profit. However, it is clarified that investment of capital is not a necessary element for carrying on the activity of an industry, nor is the motive to make any gain or profit essential. The office memorandum is not binding on this court while deciding the legal issue. In the case in hand, a systematic activity carried on by first party with co-operation of his workmen. The services of first party with a view to satisfy human wants or wishes. Therefore, I have no hesitation to accept that first party an 'industry' defined in Section 2 (j) of the I.D.Act. Therefore, I answered issue no. 2 in affirmative.

#### **As to issue no.4 to 6:**

15. As there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the reference. The second party worked as a labour with first party since 2004 for 7 years. As per record produced before me it is the policy of first party that the work of casual employee not discontinued on humanitarian ground. The first party come with the case that the services of the second party were utilized from 2004 as a casual labour on daily wages basis at Daulatabad Fort that too as and when work is available for cleaning, sweeping, watch and ward, removal of rank vegetation etc., as per the requirement and availability of the work under the provisions in the estimate and budget allotted to this office by the Central Government. The second party has completed 240 days of work in a calendar year in capacity of Casual Labour he is not entitled for appointment for permanent employment as "Casual Workers" or "temporary workers". However the second party has not claiming permanency in this case.

16 The first party has another contention is that, "as per General Finance Rules, 2017 framed by Government of India, Ministry of Finance Department of expenditure the need of casual labourers is being fulfilled through outsourcing from contractor. Therefore, since 2017 no direct work is being allotted by the ASI directly to the labours on daily work basis or otherwise and all kind of work is being allotted through consulting services providers. However, It is settled law that the work which is in permanent nature if given on contract basis is amounts to unfair labour practice. The employer can not engage contractor worker in place of regular type of worker. Once it is accepted by the first that the second party has completed 240 days in each preceding year before the date of termination then it is obligatory on the part of first party to comply provisions of sec. 25 F while terminating the services of the second party. From the material on record I have not found that the first party has complied the provisions laid down in sec. 25 F of industrial Disputes Act, 1947. It amounts to unfair labour practice. Hence I answered issue no. 4 and 5 in affirmative. Therefore, I have no hesitation to accept that the second party is entitled to get reinstatement with continuity of service.

17. The second party neither pleaded nor lead any evidence in concern to unemployment during intervening period. Therefore second party has not entitled to get backwages. Hence I answered issue no.6 as, the second party entitled to get reinstatement with continuity of service without back wages.

### AWARD

- (1) The Reference is answered in affirmative.
- (2) The second party is entitled to get reinstatement in service with continuity of service w.e.f. 13.12.2010
- (3) No order as to costs.
- (4) The copy of the Award be sent for its publication to the Appropriate Government i.e. Deputy Director, Govt. Of India, Ministry of Labour, New Delhi.

M.Y. AMRUTKAR, Presiding Officer & Judge,  
Labour Court-I, Aurangabad

Dtd. 21/09/2022

Argued on	: 07.09.2021
Judgment dictated on	: 21/09/2022
Judgment transcribed on	: 21/09/2022
Judgment checked & signed on	: 21/09/2022*

नई दिल्ली, 11 अक्टूबर, 2022

**का.आ. 984.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधीक्षक पुरातत्वविद, भारतीय पुरातत्व सर्वेक्षण, औरंगाबाद; संरक्षण सहायक, दौलताबाद किला, भारतीय पुरातत्व सर्वेक्षण, औरंगाबाद, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री बालू माधवराव मगर, कामगार, के बीच अनुबंध में निर्दिष्ट श्रम न्यायालय-1 औरंगाबाद पंचाट(संदर्भ संख्या 29/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[सं. एल -42025/07/2022-28-आईआर (डीयू)]

डी.के. हिमांशु, अवर सचिव



New Delhi, the 11th October, 2022

**S.O. 984.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 29/2018) of the **Labour Court-1 Aurangabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Superintending Archaeologist, Archaeological Survey of India, Aurangabad; The conservation Assistant, Daulatabad Fort, Archaeological Survey of India, Aurangabad and Shri Balu Madhavrao Magar, Worker** which was received along with soft copy of the award by the Central Government on 10.10.2022.

[No. L-42025/07/2022-28-IR (DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**  
**IN THE LABOUR COURT-I AT AURANGABAD.**  
**(Presided over by M.Y.Amrutkar)**  
**REFERENCE (IDA) NO. 29/2018**  
**CNR NO.MH-LC- 20-002736-2016**

**Between**

1. The Superintending Archaeologist,  
 Archaeological Survey of India,  
 Aurangabad Circle,  
 1<sup>st</sup> Floor, D.R.BAMO Campus,  
 Near Munciple Hospital Nandavan Colony,  
 Aurangabad.

2. The conservation Assistant,  
 Daulatabad Fort,  
 Archaeological Survey of India,  
 Tq. Dist. Aurangabad. ....

.... First Party

AND

Balu Madhavrao Magar,  
 Age: 48 Yrs, Occu: Nil,  
 C/o. Ubed Khan Abdi Mandi,  
 Post. Daulatabad, Dist. Aurangabad

.... Second Party

**Claim:- Under Section 2A (2) of I.D. Act, 1947****Advocates:** Mr. U.V.Khonde, for the second Party.

Mr.R.B.Bhosale, for the First party.

**AWARD**

( Dtd.21.09.2022 )

1 The second party suo-moto approached before this Court on lapses of 45 days from the date of conciliation proceeding under Section 2A (2) of the Industrial Disputes Act, 1947 for reinstatement in service with continuity and full back-wages w.e.f. 13/12/2010. So also the Deputy Director of Central Govt. by its order dtd. 02/01/2019 has also referred the Reference for its adjudication as mentioned in Schedule.

2. The second party worked as a labour with first party since 2002 for 9 years. The second party had completed 240 days in every calendar year. On 13.12.2010, the first party discontinued the service of the second party without any reason. The second party submitted that the work allotted to him is perennial in nature. He used to clean for premises, cutting grass and maintain entire fort. The second party submitted that first party never issued any charge sheet, memo or notice to him. The termination order is arbitrary, illegal and unfair labour practice. The first party did not offer retrenchment compensation, notice, notice pay to the second party at the time of termination. The first party did not publish seniority list as per Rule 80 of I.D.Act, and not followed the of 'last come, first go'. The second party issued demand notice to the first party, however, the first party did not reply. Hence, the second party approached to

Central Labour Commissioner for interference. The first party appeared before the Central Labour Commissioner and put their Say before the authority. The authority tried to settle the matter but first party did not show any willingness to reinstate the second party. Therefore, the Deputy Director, Govt. Of India, Ministry of Labour, New Delhi, referred the matter before this Court for adjudication. The second party lastly prayed that he may be reinstated in service with continuity of service and back wages.

3 The first party no. 1 & 2 filed their Written Statement at Ex.C-3. The first party submitted that the Reference itself is not maintainable on the ground that Industrial Disputes Act, is not applicable to first party. The primary object of the Archaeological Survey of India (A.S.I.) is implementation of the "Ancient Monuments and Archaeological sites and Remains Act, 1958 and "Antiquities Arts Treasurer Act, 1972 on behalf of the Union in fulfillment of the constitutional responsibilities for maintenance of cultural property and monuments. Thus, the activities of first party do not come under the definition of Industry for the purpose of Industrial Disputes Act, 1947. The first party do not come under the definition of Industry for the purpose of Industrial Disputes Act, 1947. The first party submitted that second party was working as a casual labour from 2002 at Daulatabad Fort and he was engaged on the basis of as and when work available for cleaning, sweeping, watch and ward removal of rank vegetation etc. The first party submitted that as the activities of first party does not constitute an 'Industry' for the purpose of Industrial Disputes Act, 1947, hence, there is no need to comply the provisions under I.D.Act, 1947. Therefore, the Reference is not maintainable and there is no question of reinstatement of service to the second party. Hence, the Reference may kindly be answered in negative.

4 After rival pleadings of the parties, following issues are framed by my learned Predecessor at Ex.O:03, I have recorded my findings thereon for the reasons given below.

Sr. No.	Issues	Findings
1	Whether the second party prove that he is 'workman' as defined U/s. 2 (s) of the I.D.Act ?	In the affirmative
2	Whether the second party prove that the first party is an 'industry' ?	In the affirmative
3	Whether the second party-workman prove that he has completed more than 240 days continuous service in each year before termination with first party ?	In the affirmative
4	Whether the second party-workman prove that termination order dated 13/12/2010 is illegal and liable to be set aside ?	In the affirmative
5	Whether the second party-workman prove that the first party has committed unfair labour practice ?	In the affirmative
6	Whether the second party-workman prove that he is entitled for reinstatement in service with continuity along with back wages ?	Partly affirmative
7	What Award ?	The Reference is answered partly in affirmative

### Reasons

5 It is not disputed that this court has decided this Reference and passed award dtd. 25.8.2021. Against that award, the second party approached to Hon'ble High court of judicature at Bombay Bench at Aurangabad. The Hon'ble High court of judicature at Bombay Bench at Aurangabad remanded back the reference to this court and directed to give equal opportunity to lead evidence on the issue in respect whether the first party is come under the definition of 'industry' & observed that, there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the reference.

6 The first party came before the Court with a defense that Archaeological Survey Of India (ASI) did not fall within the meaning of 'industry' as defined under section 2 (j ) of the Industrial Disputes Act, 1947. The learned Counsel for first party Advocate Shri. Bhosale argued that the Daulatabad Fort has been declared by the Government of India as a protected Monument, therefore, it cannot be termed as an 'industry'. The primary activities of ASI for implementation of the statutory law and maintenance, conservation and preservation of centrally protected monuments sites and remains, conducting archeological explorations and excavations, development of geographically and numismatic research and publication, setting up the recognition of the site museums, training in archeology, archeological expeditions outside India, horticulture operations in and around ancient monuments and remains etc. All

these statutory duties entrusted to first party are regal function and therefore it is by no means any business, trade undertaking, manufacturing or calling of employers, aimed to earn profits. Thus function of ASI is not an activity carries on for production, supply or distribution of goods or services with a view to satisfy human wants or wishes. Therefore, the activities of first party do not come under the definition of the Industry for the purpose of Industrial Disputes Act, 1947. Therefore, the Reference is not itself maintainable.

7. He further argued that the O.M. of Government of India, Ministry of Tourism and Cultural Department, New Delhi dtd.15/09/2013 held that the activity of ASI does not constitute the Industry for the purpose of I.D.Act and therefore provisions of I.D.Act are not applicable to Archaeological Survey Of India. The said O.M. is itself is a Government approved policy. The OM dtd. 15/09/2003 has been issued in concurrence with the provisions of "Ancient Monuments and Archaeological Sites and Remains Act, 1958 and "Antiquities Arts Treasurer Act, 1972". It is not just an office letter, it has a statutory effect of the above Acts passed by the Parliament. He further argued that first party is not receiving income from tickets, publication, use of camera etc. The said amount of collection is being deposited with the Government of India thorough Treasury Office. It is not running a business model which carries production, service of any kind to fulfill human needs of any kind. He further argued that the services of the second party were utilized from 2002 as a casual labour on daily wages basis at Daulatabad Fort that too as and when work is available for cleaning, sweeping, watch and ward, removal of rank vegetation etc., as per the requirement and availability of the work under the provisions in the estimate and budget allotted to this office by the Central Government. He further argued that the second party has completed 240 days of work in a calendar year in capacity of Casual Labour he is not entitled for appointment for permanent employment as "Casual Workers" or "temporary workers". He further argued that as per General Finance Rules, 2017 framed by Government of India, Ministry of Finance Department of expenditure the need of casual labourers is being fulfilled through outsourcing from contractor. Since 2017 no direct work is being allotted by the ASI directly to the labours on daily work basis or otherwise. Since 2017 all kind of work is being allotted through consulting services providers. It is argued that the Government has framed policy of engaging casual labour through outsourcing following the GFR Provisions. Addl. Director General (Admn.) ASI, New Delhi has informed vide letter dtd. 10/08/2017 the said guidelines. Since, the policy is framed by the Government in 2017, and since then no direct engagement is being carried by the ASI. All necessary manpower required for the specific labour work is being fulfilled through outsourcing strictly in accordance of GFR 2017. It is argued that the first party is not industry within the meaning of section 2 (j) of the I.D.Act, therefore, the provisions of I.D.Act are not applicable.

8. The learned Counsel for the second party Mr. Khonde submitted that it is not disputed that second party had completed 240 days in every calendar year. The disputed fact is only whether the first party employer is within the meaning of 'industry' as defined under Sec. 2 (j) of the I.D.Act, 1947. It is argued that first party earned its revenue collecting ticket fare and by publishing their information. The first party does not carries Sovereign function then automatically the first party will be in the ambit of industry. The any administrative order issued by any Government office is not binding on any Court. The issue of industry has to be decided by this Court only and not by Government Department. He further argued that any central government or state office have no right to decide or give any verdict whether the particular department is an 'industry' or not. Therefore office order or whatever issued by the department about 'industry' or not is illegal and without any jurisdiction. Only Labour & Industrial Courts have powers to adjudicate the issue whether the particular department is 'industry' or not. He further argued that in Bangalore Water Supply & Sewerage Board etc V. A. Rajappa and Ors etc., it is held that Appellant falls within the definition of Industry and that there was nothing wrong in the Tribunal granting the relief to the respondent by considering him as a workman. In case of Union of India Thru. it's secretary Culture and Anr. Vs. Surendra Singh Rashtriya Adhyaksha INTUC and Anr. 2019 SCC online LL 4671, the Hon'ble Court had already held that the Garden of the Archaeological Survey Of India is an industry.

#### **As to issue no.1 and 3 :**

9. This court is already decided this issue and declared that the second party is come under the definition of workman which not in question and there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the Reference. Therefore I answered issue no.1 and 03 in affirmative.

#### **As to issue No. 02.**

10. It is the main dispute between parties that whether the first party comes under the definition of Industry or not. The Hon'ble High court of judicature at Bombay Bench at Aurangabad directed to give equal opportunity to both parties to lead evidence on this issue. The second party examined himself vide Exh.U-19. The second party deposed that the first party comes under the definition of Industry. The Learned Advocate for first party not even put a suggestion during the cross examination therefore oral evidence of second party is unshuffled.

11. The first party in order to prove their case examined Mr. Vilish Ramteke. He deposed on oath that the first party is not come under the definition of Industry. In support of his oral averment he filed documentary evidence. The first party filed office memorandum dtd. 15.9.2003 vide Exh.C-20, E-procurement and engagement of manpower dtd

10.8.2017 vide Exh. C-21, the copy of order passed by Labour Court Jabalpur. Vide Exh. C-22, copy of order passed by Central Administrative Tribunal Bombay in Original application no. 764/2013 to 769/2013 vide Exh. C-23 and copy of order passed by Hon'ble Bombay High court in writ petition no. 4484 of 2003 vide Exh. C-24 and C-25.

While deciding this issue I have to see the definition of Industry.

The definition of Industry is exhaustive and both inclusive and exclusive. It thus consists of three parts. Part one deals with the general scope of 'industry' and the inclusive and exclusive parts two and three clarify as to what is definitely included and excluded from the scope of the definition.

- (a) Industry means any systematic activity carried on by cooperation between an employer and his workmen.
- (b) The activity must be for the
  - (i) production, or
  - (ii) supply, or
  - (iii) distribution of goods, or
  - (iv) services with a view to satisfy human wants or wishes.
- (c) The employment of workmen may be by such employer, directly or by or through any agency, including a contractor
- (d) Human wants or wishes to be satisfied must not be wants or wishes which are merely spiritual or religious in nature.
- (e) Further, it is clarified that investment of capital is not a necessary element for carrying on the activity of an industry, nor is the motive to make any gain or profit essential.
  1. The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
  2. If the organisation is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

12 The learned Counsel for the second party relied on following authorities:

- 1) Chief Conservator of Forest Vs. Jagannath Maruti Kondhare 1996 (72) FLR 840 (SC)
- 2) General Manager Telecom Vs. S. Shrinivasa Rao 1998 (78) FLR 143 (SC)
- 3) Coir Board, Ernakulam Vs. Indira Devi P.S. (SC) 1998 (78) FLR 847 (SC)
- 4) Coir Board, Ernakulam Kerala State & Anr. Vs. Indira Devi P.S. 2000 (1) SCC 224 (SC)
- 5) State Bank of Indore Vs. Rashtriya Mazdoor Sena and Ors 2003 (98) FLR 1143 (SC)

13 I relied on the Judgment of Supreme Court in the case of Benglore Water Supply Sewerage of Boards etc Vs. A. Rajappa and others (1978) 2 SSC 213.

"Where there is (i) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss e.g. making on a large scale Prasad or food), prima facie, there is an 'industry' in that enterprise."

14 While applying the test laid down in determining whether an activity falls within Industry it is necessary to remember that Industrial Disputes Act, 1947 is a legislature intended to remember that industrial harmony between management and labour in an industry so that production does not suffer and at the same time, labour is not exploited and discontented and therefore the test must be so applied as to give the widest possible connotation to the term Industry, whenever question arises whether a particular concern is an industry the approach must be broad and liberal and not rigid or doctrinaire. The interpretation should be such as would advance object and purpose of IDA, 1947 and give full meaning and effect to it in the achievement of its avowed social objective. The mutual relationships between both parties, the method of employment and process of co-operation in the carrying out of the work bears close resemblance to organisation, method, remuneration, relationship of employer and employee it shows that first party comes under definition of Industry. It is the nature of actual function and of the pattern of organised activity that is decisive. It is human sector, the way the employer employee relations are set up and processed that gives rise to claims, demands, tensions,

adjudications, settlements, truce and peace in industry. Though the first party relied on office memorandum vide Exh. C-20 which is subject to Archeological survey of India is not an Industry for the purpose of Industrial Disputes Act, 1947 and not having aimed to earn profit. However, it is clarified that investment of capital is not a necessary element for carrying on the activity of an industry, nor is the motive to make any gain or profit essential. The office memorandum is not binding on this court while deciding the legal issue. In the case in hand, a systematic activity carried on by first party with co-operation of his workmen. The services of first party with a view to satisfy human wants or wishes. Therefore, I have no hesitation to accept that first party an 'industry' defined in Section 2 (j) of the I.D.Act. Therefore, I answered issue no. 2 in affirmative.

**As to issue no.4 to 6:**

15. As there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the reference. The second party worked as a labour with first party since 2002 for 9 years. As per record produced before me it is the policy of first party that the work of casual employee not discontinued on humanitarian ground. The first party come with the case that the services of the second party were utilized from 2002 as a casual labour on daily wages basis at Daulatabad Fort that too as and when work is available for cleaning, sweeping, watch and ward, removal of rank vegetation etc., as per the requirement and availability of the work under the provisions in the estimate and budget allotted to this office by the Central Government. The second party has completed 240 days of work in a calendar year in capacity of Casual Labour he is not entitled for appointment for permanent employment as "Casual Workers" or "temporary workers". However the second party has not claiming permanency in this case.

16 The first party has another contention is that, "as per General Finance Rules, 2017 framed by Government of India, Ministry of Finance Department of expenditure the need of casual labourers is being fulfilled through outsourcing from contractor. Therefore, since 2017 no direct work is being allotted by the ASI directly to the labours on daily work basis or otherwise and all kind of work is being allotted through consulting services providers. However, It is settled law that the work which is in permanent nature if given on contract basis is amounts to unfair labour practice. The employer can not engage contractor worker in place of regular type of worker. Once it is accepted by the first that the second party has completed 240 days in each preceding year before the date of termination then it is obligatory on the part of first party to comply provisions of sec. 25 F while terminating the services of the second party. From the material on record I have not found that the first party has complied the provisions laid down in sec. 25 F of industrial Disputes Act, 1947. It amounts to unfair labour practice. Hence I answered issue no. 4 and 5 in affirmative. Therefore, I have no hesitation to accept that the second party is entitled to get reinstatement with continuity of service.

17. The second party neither pleaded nor lead any evidence in concern to unemployment during intervenning period. Therefore second party has not entitled to get backwages. Hence I answerd issue no.6 as, the second party entitled to get reinstatement with continuity of service without back wages.

**AWARD**

- (1) The Reference is answered in affirmative.
- (2) The second party is entitled to get reinstament in service with continuity of service w.e.f. 13.12.2010
- (3) No order as to costs.
- (4) The copy of the Award be sent for its publication to the Appropriate Government i.e. Deputy Director, Govt. Of India, Ministry of Labour, New Delhi.

M.Y.AMRUTKAR, Presiding Officer & Judge,

Labour Court-1, Aurangabad

Dtd. 21/09/2022

Argued on : 07.09.2021  
Judgment dictated on : 21/09/2022  
Judgment transcribed on : 21/09/2022  
Judgment checked &  
signed on : 21/09/2022\*

नई दिल्ली, 11 अक्टूबर, 2022

**का.आ. 985.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधीक्षक पुरातत्वविद्, भारतीय पुरातत्व सर्वेक्षण, औरंगाबाद; संरक्षण सहायक, दौलताबाद किला, भारतीय पुरातत्व सर्वेक्षण, औरंगाबाद, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री श्रीहरि गोपीनाथ तुपे, कामगार, के बीच अनुबंध में निर्दिष्ट श्रम न्यायालय-1 औरंगाबाद पंचाट(संदर्भ संख्या 30/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 10.10.2022 को प्राप्त हुआ था।

[सं. एल -42025/07/2022-29-आईआर (डीयू)]

डी.के. हिमांशु, अवर सचिव

New Delhi, the 11th October, 2022

**S.O. 985.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2018) of the **Labour Court-1 Aurangabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Superintending Archaeologist, Archaeological Survey of India, Aurangabad ;The conservation Assistant, Daulatabad Fort, Archaeological Survey of India, Aurangabad and Shri Shrihari Gopinath Tupe, Worker** which was received along with soft copy of the award by the Central Government on 10.10.2022.

[No. L-42025/07/2022-29-IR (DU)]

D. K. HIMANSHU, Under Secy.

### ANNEXURE

#### IN THE LABOUR COURT-I AT AURANGABAD.

(Presided over by M.Y.Amrutkar)

REFERENCE (IDA) NO. 30/2018

CNR NO.MH-LC- 20-002737-2016

#### Between

1. The Superintending Archaeologist,  
Archaeological Survey of India,  
Aurangabad Circle,  
1<sup>st</sup> Floor, D.R.BAMO Campus,  
Near Munciple Hospital Nandavan Colony,  
Aurangabad.

2. The Conservation Assistant,  
Daulatabad Fort,  
Archaeological Survey of India,  
Daultabad

Tq. Dist. Aurangabad.

....

AND

....

First Party

Shrihari Gopinath Tupe,  
Mujeeb Colony, Daulatabad,  
Tq. Dist. Aurangabad

....

....

Second Party

**Claim:- Under Section 2A (2) of I.D.Act, 1947**

**Advocates:** Mr. U.V.Khonde, for the second Party.  
Mr.R.B.Bhosale, for the First party.

**AWARD**

( Dtd.21.09.2022 )

1 The second party suo-moto approached before this Court on lapses of 45 days from the date of conciliation proceeding under Section 2A (2) of the Industrial Disputes Act, 1947 for reinstatement in service with continuity and full back-wages w.e.f. 13/12/2010. So also the Deputy Director of Central Govt. by its order dtd. 02/01/2019 has also referred the Reference for its adjudication as mentioned in Schedule.

2. The second party worked as a labour with first party since 2002 for 9 years. The second party had completed 240 days in every calendar year. On 13.12.2010, the first party discontinued the service of the second party without any reason. The second party submitted that the work allotted to him is perennial in nature. He used to clean for premises, cutting grass and maintain entire fort. The second party submitted that first party never issued any charge sheet, memo or notice to him. The termination order is arbitrary, illegal and unfair labour practice. The first party did not offer retrenchment compensation, notice, notice pay to the second party at the time of termination. The first party did not publish seniority list as per Rule 80 of I.D.Act, and not followed the of 'last come, first go'. The second party issued demand notice to the first party, however, the first party did not reply. Hence, the second party approached to Central Labour Commissioner for interference. The first party appeared before the Central Labour Commissioner and put their Say before the authority. The authority tried to settle the matter but first party did not show any willingness to reinstate the second party. Therefore, the Deputy Director, Govt. Of India, Ministry of Labour, New Delhi, referred the matter before this Court for adjudication. The second party lastly prayed that he may be reinstated in service with continuity of service and back wages.

3 The first party no. 1 & 2 filed their Written Statement at Ex.C-3. The first party submitted that the Reference itself is not maintainable on the ground that Industrial Disputes Act, is not applicable to first party. The primary object of the Archaeological Survey of India (A.S.I.) is implementation of the "Ancient Monuments and Archaeological sites and Remains Act, 1958 and "Antiquities Arts Treasurer Act, 1972 on behalf of the Union in fulfillment of the constitutional responsibilities for maintenance of cultural property and monuments. Thus, the activities of first party do not come under the definition of Industry for the purpose of Industrial Disputes Act, 1947. The first party do not come under the definition of Industry for the purpose of Industrial Disputes Act, 1947. The first party submitted that second party was working as a casual labour from 2002 at Daulatabad Fort and he was engaged on the basis of as and when work available for cleaning, sweeping, watch and ward removal of rank vegetation etc. The first party submitted that as the activities of first party does not constitute an 'Industry' for the purpose of Industrial Disputes Act, 1947, hence, there is no need to comply the provisions under I.D.Act, 1947. Therefore, the Reference is not maintainable and there is no question of reinstatement of service to the second party. Hence, the Reference may kindly be answered in negative.

4 After rival pleadings of the parties, following issues are framed by my learned Predecessor at Ex.O:03, I have recorded my findings thereon for the reasons given below.

Sr. No.	Issues	Findings
1	Whether the second party prove that he is 'workman' as defined U/s. 2 (s) of the I.D.Act ?	In the affirmative
2	Whether the second party prove that the first party is an 'industry' ?	In the affirmative
3	Whether the second party-workman prove that he has completed more than 240 days continuous service in each year before termination with first party ?	In the affirmative
4	Whether the second party-workman prove that termination order dated 13/12/2010 is illegal and liable to be set aside ?	In the affirmative
5	Whether the second party-workman prove that the first party has committed unfair labour practice ?	In the affirmative
6	Whether the second party-workman prove that he is entitled for reinstatement in service with continuity along with back wages ?	Partly affirmative
7	What Award ?	The Reference is answered partly in affirmative

### Reasons

5 It is not disputed that this court has decided this Reference and passed award dtd. 25.8.2021. Against that award, the second party approached to Hon'ble High court of judicature at Bombay Bench at Aurangabad. The Hon'ble High court of judicature at Bombay Bench at Aurangabad remanded back the reference to this court and directed to give equal opportunity to lead evidence on the issue in respect whether the first party is come under the definition of 'industry' & observed that, there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the reference.

6 The first party came before the Court with a defense that Archaeological Survey Of India (ASI) did not fall within the meaning of 'industry' as defined under section 2 (j) of the Industrial Disputes Act, 1947. The learned Counsel for first party Advocate Shri. Bhosale argued that the Daulatabad Fort has been declared by the Government of India as a protected Monument, therefore, it cannot be termed as an 'industry'. The primary activities of ASI for implementation of the statutory law and maintenance, conservation and preservation of centrally protected monuments sites and remains, conducting archeological explorations and excavations, development of geographically and numismatic research and publication, setting up the recognition of the site museums, training in archeology, archeological expeditions outside India, horticulture operations in and around ancient monuments and remains etc. All these statutory duties entrusted to first party are regal function and therefore it is by no means any business, trade undertaking, manufacturing or calling of employers, aimed to earn profits. Thus function of ASI is not an activity carries on for production, supply or distribution of goods or services with a view to satisfy human wants or wishes. Therefore, the activities of first party do not come under the definition of the Industry for the purpose of Industrial Disputes Act, 1947. Therefore, the Reference is not itself maintainable.

7. He further argued that the O.M. of Government of India, Ministry of Tourism and Cultural Department, New Delhi dtd.15/09/2013 held that the activity of ASI does not constitute the Industry for the purpose of I.D.Act and therefore provisions of I.D.Act are not applicable to Archaeological Survey Of India. The said O.M. is itself is a Government approved policy. The OM dtd. 15/09/2003 has been issued in concurrence with the provisions of "Ancient Monuments and Archaeological Sites and Remains Act, 1958 and "Antiquities Arts Treasurer Act, 1972". It is not just an office letter, it has a statutory effect of the above Acts passed by the Parliament. He further argued that first party is not receiving income from tickets, publication, use of camera etc. The said amount of collection is being deposited with the Government of India thorough Treasury Office. It is not running a business model which carries production, service of any kind to fulfill human needs of any kind. He further argued that the services of the second party were utilized from 2002 as a casual labour on daily wages basis at Daulatabad Fort that too as and when work is available for cleaning, sweeping, watch and ward, removal of rank vegetation etc., as per the requirement and availability of the work under the provisions in the estimate and budget allotted to this office by the Central Government. He further argued that the second party has completed 240 days of work in a calendar year in capacity of Casual Labour he is not entitled for appointment for permanent employment as "Casual Workers" or "temporary workers". He further argued that as per General Finance Rules, 2017 framed by Government of India, Ministry of Finance Department of expenditure the need of casual labourers is being fulfilled through outsourcing from contractor. Since 2017 no direct work is being allotted by the ASI directly to the labours on daily work basis or otherwise. Since 2017 all kind of work is being allotted through consulting services providers. It is argued that the Government has framed policy of engaging casual labour through outsourcing following the GFR Provisions. Addl. Director General (Admn.) ASI, New Delhi has informed vide letter dtd. 10/08/2017 the said guidelines. Since, the policy is framed by the Government in 2017, and since then no direct engagement is being carried by the ASI. All necessary manpower required for the specific labour work is being fulfilled through outsourcing strictly in accordance of GFR 2017. It is argued that the first party is not industry within the meaning of section 2 (j) of the I.D.Act, therefore, the provisions of I.D.Act are not applicable.

8. The learned Counsel for the second party Mr. Khonde submitted that it is not disputed that second party had completed 240 days in every calendar year. The disputed fact is only whether the first party employer is within the meaning of 'industry' as defined under Sec. 2 (j) of the I.D.Act, 1947. It is argued that first party earned its revenue collecting ticket fare and by publishing their information. The first party does not carries Sovereign function then automatically the first party will be in the ambit of industry. The any administrative order issued by any Government office is not binding on any Court. The issue of industry has to be decided by this Court only and not by Government Department. He further argued that any central government or state office have no right to decide or give any verdict whether the particular department is an 'industry' or not. Therefore office order or whatever issued by the department about 'industry' or not is illegal and without any jurisdiction. Only Labour & Industrial Courts have powers to adjudicate the issue whether the particular department is 'industry' or not. He further argued that in *Bangalore Water Supply & Sewerage Board etc V. A. Rajappa and Ors etc.*, it is held that Appellant falls within the definition of Industry and that there was nothing wrong in the Tribunal granting the relief to the respondent by considering him as a workman. In case of *Union of India Thru. it's secretary Culture and Anr. Vs. Surendra Singh Rashtriya Adhyaksha INTUC and Anr. 2019 SCC online LL 4671*, the Hon'ble Court had already held that the Garden of the Archaeological Survey Of India is an industry.



**As to issue no.1 and 3 :**

9. This court is already decided this issue and declared that the second party is come under the definition of workman which not in question and there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the Reference. Therefore I answered issue no.1 and 03 in affirmative.

**As to issue No. 02.**

10. It is the main dispute between parties that whether the first party comes under the definition of Industry or not. The Hon'ble High court of judicature at Bombay Bench at Aurangabad directed to give equal opportunity to both parties to lead evidence on this issue. The second party examined himself vide Exh.U-21. The second party deposed that the first party comes under the definition of Industry. The Learned Advocate for first party not even put a suggestion during the cross examination therefore oral evidence of second party is unshuffled.

11. The first party in order to prove their case examined Mr. Vilish Ramteke. He deposed on oath that the first party is not come under the definition of Industry. In support of his oral averment he filed documentary evidence. The first party filed office memorandum dtd. 15.9.2003 vide Exh.C-20, E-procurement and engagement of manpower dtd 10.8.2017 vide Exh. C-21, the copy of order passed by Labour Court Jabalpur. Vide Exh. C-22, copy of order passed by Central Administrative Tribunal Bombay in Original application no. 764/2013 to 769/2013 vide Exh. C-23 and copy of order passed by Hon'ble Bombay High court in writ petition no. 4484 of 2003 vide Exh. C-24 and C-25.

While deciding this issue I have to see the definition of Industry.

The definition of Industry is exhaustive and both inclusive and exclusive. It thus consists of three parts. Part one deals with the general scope of 'industry' and the inclusive and exclusive parts two and three clarify as to what is definitely included and excluded from the scope of the definition.

- (a) Industry means any systematic activity carried on by cooperation between an employer and his workmen.
- (b) The activity must be for the
  - (i) production, or
  - (ii) supply, or
  - (iii) distribution of goods, or
  - (iv) services with a view to satisfy human wants or wishes.
- (c) The employment of workmen may be by such employer, directly or by or through any agency, including a contractor
- (d) Human wants or wishes to be satisfied must not be wants or wishes which are merely spiritual or religious in nature.
- (e) Further, it is clarified that investment of capital is not a necessary element for carrying on the activity of an industry, nor is the motive to make any gain or profit essential.
  1. The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
  2. If the organisation is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

12 The learned Counsel for the second party relied on following authorities:

- 1) Chief Conservator of Forest Vs. Jagannath Maruti Kondhare 1996 (72) FLR 840 (SC)
- 2) General Manager Telecom Vs. S. Shrinivasa Rao 1998 (78) FLR 143 (SC)
- 3) Coir Board, Ernakulam Vs. Indira Devi P.S. (SC) 1998 (78) FLR 847 (SC)
- 4) Coir Board, Ernakulam Kerala State & Anr. Vs. Indira Devi P.S. 2000 (1) SCC 224 (SC)
- 5) State Bank of Indore Vs. Rashtriya Mazdoor Sena and Ors 2003 (98) FLR 1143 (SC)

13 I relied on the Judgment of Supreme Court in the case of Benglore Water Supply Sewerage of Boards etc Vs. A. Rajappa and others (1978) 2 SSC 213.

"Where there is (i) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss e.g. making on a large scale Prasad or food), prima facie, there is an 'industry' in that enterprise."

14 While applying the test laid down in determining whether an activity falls within Industry it is necessary to remember that Industrial Disputes Act, 1947 is a legislature intended to remember that industrial harmony between management and labour in an industry so that production does not suffer and at the same time, labour is not exploited and discontended and therefore the test must be so applied as to give the widest possible connotation to the term Industry, whenever question arises whether a particular concern is an industry the approach must be broad and liberal and not rigid or doctrinaire. The interpretation should be such as would advance object and purpose of IDA, 1947 and give full meaning and effect to it in the achievement of its avowed social objective. The mutual relationships between both parties, the method of employment and process of co-operation in the carrying out of the work bears close resemblance to organisation, method, remuneration, relationship of employer and employee it shows that first party comes under definition of Industry. It is the nature of actual function and of the pattern of organised activity that is decisive. It is human sector, the way the employer employee relations are set up and processed that gives rise to claims, demands, tensions, adjudications, settlements, truce and peace in industry. Though the first party relied on office memorandum vide Exh. C-20 which is subject to Archeological survey of India is not an Industry for the purpose of Industrial Disputes Act, 1947 and not having aimed to earn profit. However, it is clarified that investment of capital is not a necessary element for carrying on the activity of an industry, nor is the motive to make any gain or profit essential. The office memorandum is not binding on this court while deciding the legal issue. In the case in hand, a systematic activity carried on by first party with co-operation of his workmen. The services of first party with a view to satisfy human wants or wishes. Therefore, I have no hesitation to accept that first party an 'industry' defined in Section 2 (j) of the I.D. Act. Therefore, I answered issue no. 2 in affirmative.

**As to issue no.4 to 6:**

15. As there is no dispute between two sides as to whether the second party workman proved that he had completed for 240 days in continuous employment with the first party in the calendar year preceding the date of the reference. The second party worked as a labour with first party since 2002 for 9 years. As per record produced before me it is the policy of first party that the work of casual employee not discontinued on humanitarian ground. The first party come with the case that the services of the second party were utilized from 2002 as a casual labour on daily wages basis at Daulatabad Fort that too as and when work is available for cleaning, sweeping, watch and ward, removal of rank vegetation etc., as per the requirement and availability of the work under the provisions in the estimate and budget allotted to this office by the Central Government. The second party has completed 240 days of work in a calendar year in capacity of Casual Labour he is not entitled for appointment for permanent employment as "Casual Workers" or "temporary workers". However the second party has not claiming permanency in this case.

16 The first party has another contention is that, "as per General Finance Rules, 2017 framed by Government of India, Ministry of Finance Department of expenditure the need of casual labourers is being fulfilled through outsourcing from contractor. Therefore, since 2017 no direct work is being allotted by the ASI directly to the labours on daily work basis or otherwise and all kind of work is being allotted through consulting services providers. However, It is settled law that the work which is in permanent nature if given on contract basis is amounts to unfair labour practice. The employer can not engage contractor worker in place of regular type of worker. Once it is accepted by the first that the second party has completed 240 days in each preceding year before the date of termination then it is obligatory on the part of first party to comply provisions of sec. 25 F while terminating the services of the second party. From the material on record I have not found that the first party has complied the provisions laid down in sec. 25 F of industrial Disputes Act, 1947. It amounts to unfair labour practice. Hence I answered issue no. 4 and 5 in affirmative. Therefore, I have no hesitation to accept that the second party is entitled to get reinstatement with continuity of service.

17. The second party neither pleaded nor lead any evidence in concern to unemployment during intervenning period. Therefore second party has not entitled to get backwages. Hence I answered issue no.6 as, the second party entitled to get reinstatement with continuity of service without back wages.

**AWARD**

- (1) The Reference is answered in affirmative.
- (2) The second party is entitled to get reinstatement in service with continuity of service w.e.f. 13.12.2010
- (3) No order as to costs.

- (4) The copy of the Award be sent for its publication to the Appropriate Government i.e. Deputy Director, Govt. Of India, Ministry of Labour, New Delhi.

M.Y.AMRUTKAR, Presiding Officer & Judge,  
Labour Court-1, Aurangabad

Dtd. 21/09/2022

Argued on : 07.09.2021  
Judgment dictated on : 21/09/2022  
Judgment transcribed on : 21/09/2022  
Judgment checked &  
signed on : 21/09/2022\*

नई दिल्ली, 12 अक्टूबर, 2022

**का.आ. 986.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 11/2006)** को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/09/2022 को प्राप्त हुआ था।

[सं. एल-20012/134/2005-आई. आर. (सी.एम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th October, 2022

**S.O. 986.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 11/2006**) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on 29/09/2022.

[F. No. L-20012/134/2005-IR (CM-I)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 11/2006**

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND.

Their workman.

Present : **Shri Dinesh Kumar Singh** Presiding Officer.

#### **Appearances:**

For the Employers :- None.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 30/08/2022

#### **AWARD.**

By Order No.L-20012/134/2005- IR (C-I) dated 09.12.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Bihar Colliery Kamgar Union from the management of Basuriya Colliery under Kusunda Area of M/s. BCCL for regularizing Sri Nabal Rajak personnel No. 02468080 Miner/Loader as Trammer is justified? If so, to what relief is the workman entitled and from what date?”**

2. This reference is received on 02/01/2006 by this Tribunal in which the Vice President, Bihar Colliery Kamgar Union, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the workwoman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now the case is pending since 02/01/2006 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 2022

**का.आ. 987.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 19/2014)** को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/09/2022 को प्राप्त हुआ था।

[सं. एल-20012/139/2012-आई.आर. (सी.एम.-I)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th October, 2022

**S.O. 987.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 19/2014**) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on 29/09/2022.

[No. L-20012/139/2012-IR (CM-I)]

RAJENDER SINGH, Under Secy.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

**Reference: No. 19/2014**

Employer in relation to the management of Bastacolla Area of M/s. BCCL .

AND.

Their workman.

Present : **Shri Dinesh Kumar Singh** Presiding Officer.

**Appearances:**

For Employer :- Sri Ganesh Prasad, Advocate.

For workman :- Sri Raja Babu Chouhan, Advocate.

State : Jharkhand.

Industry:- Coal

Dated 30/08 /2022

**AWARD.**

By Order No.L-20012/139/2012 (IR(CM-I)) dated 20.02.2014, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub -section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the Management of Dobari Colliery of M/s. BCCL in not providing employment to Sri Raja Babu Chouhan, dependent son of Late Ram Prasad Chouhan under the provisions of NCWA-VI is fair and justified? To what relief Sri Raja Babu Chouhan, dependent son of Late Ram Prasad Chouhan is entitled to?”**

2. After receipt of the reference, both the parties were noticed. The Secretary Jharkhand Janta Mazdoor Union has filed his written statement of claim on 07/04/2014 and the General Manager of Bastacolla Area-IX of M/s. BCCL has filed his written statement cum rejoinder on 29/09/2014.

3. The Secretary Jharkhand Janta Mazdoor Union has filed rejoinder to the written statement of the management on 19/03/2015.

4. The claim of the sponsoring union namely Jharkhand Janta Mazdoor Union as per its written statement, in brief, is as follows:-

That Late Ram Prasad Chouhan was a permanent employee of Dobari colliery of M/s. BCCL under Bastacolla Area and he was working as Driver but he died on 15/08/1999 while in service. The terms and condition of the services of a workman working in coal mines are governed by the National Coal Wage Agreement and is binding on both of the parties. The clause 9.3.2 of NCWA refers to appointment of dependent of deceased employees in the Coal Mines and sub clause III of clause 9.5.0 provides that in case of death either in mine accident or for other reasons or medical unfitness under clause 9.4.0, if no employment has been offered and the male dependent of the concerned workman is 12 years or above in age, he will be kept on live roster and would be provided employment, if he attains the age of 18 years and during the period the male dependent is on live roster and female dependent will be paid monetary compensation as per rates available.

After the death of Late Ram Prasad Chouhan, his wife Smt. Suma Devi applied for keeping the name of Sri Raja Babu Chouhan dependent son of deceased employee in live roster and payment of monetary compensation to her as per aforesaid provision of NCWA. The competent authority after considering the application allowed Smt. Suma Devi payment of compensatory allowance and she started getting payment of monetary compensation. In the meantime Sri Raja Babu Chouhan applied for employment after attaining the age of 18 year as on 17/09/2004 but the management illegally in violation of NCWA had not provided employment to the son of deceased late Ram Prasad Chouhan. Subsequently the sponsoring union raised the present industrial dispute as the dependent son of the deceased workman is entitled for employment according to the provision of NCWA.

A prayer has been made to pass an Award in favour of the dependent son of workman.

5. On the other hand the case of the management of Bastacolla Area of M/s. BCCL as per its written statement, in brief, is as follows:-

That the present dispute is not maintainable as there is suppression and non disclosure of material facts. Late Ram Prasad Chouhan was working as a Driver in Dobari Colliery of M/s. BCCL and he died on 15/08/1999 and Suma Devi, first wife of deceased workman had applied for employment which was regretted by the management and monetary compensation @ Rs. 3000/- per month was sanctioned till attending the age of 60 years, vide letter no. 4081-85, dated 07/03/2002. After that Smt. Parbati Devi, second wife of late Ram Prasad Chouhan had also applied for employment in place of her deceased husband in the year 2000 which was examined properly and regretted by the management as she did not come under the definition of family vide letter no. 4191, dated 28.2/01.03.01 issued by P.M. (M.P. & R) of Koyla Bhawan. After that the sponsoring union had represented for keeping the name of Raja Babu Chouhan, son of Late Ram Prasad Chouhan in the live roster but on scrutiny of the case, it had been found that the name of Raja Babu Chouhan, son of deceased workman had not been mentioned in the service excerpts which was prepared on 22/01/1988 meaning thereby that Raja Babu Chouhan was not born till 22/01/1988. Further the family details certificate submitted by Smt. Suma Devi in 2001, first wife of deceased workman shows that the age of Raja Babu Chouhan was 13 years i.e. 11 years old at the time of death of Late Ram Prasad Chouhan. Moreover the settlement paper dully signed by both the wives of Late Ram Prasad Chouhan submitted before the management and the same was prepared on 16/12/1999 in which the age of Raja Babu Chouhan was mentioned as 8 years only at the time of the death of the deceased and the said settlement was certified by the BDO, Dhanbad. Further, in the family details submitted by Smt. Parbati Devi second wife of Late Ram Prasad Chouhan in the year 1999, the age of Raja Babu Chouhan had been mentioned as 8 years which shows that Raja Babu Chouhan was below the age of 12 years at the time of the death of deceased workman on 15/08/1999. The management has provided monetary compensation @ Rs. 3000/- per month to Smt. Suma Devi first wife of deceased workman till her age of 60 years as such no claim of employment. The management of Bastacolla Area for not providing employment to Sri Raja Babu Chouhan under NCWA -VI is fair and justified.

The management by way of rejoinder has stated that the statement made in Paragraph 2 and 3 of written statement of sponsoring union are correct and requires no comment, the statement made in Paragraph 4, 5, 6, 7, 8 and 12 of written

statement of sponsoring union are matter of record, the statement made in Paragraph 9, 10, 11 and 13 of written statement of sponsoring union are not correct.

6. The sponsoring union has submitted the rejoinder to the written statement of the management and has stated that the statement made in Paragraph 1, 4, 5, 6 and 7 of the written statement of management are matter of record, the statement made in Paragraph 2, 3, 10, 13, 15 and 16 of the written statement of management are not correct, the statement made in Paragraph 8, 9, 11, 12 and 14 of the written statement of management are not relevant.

7. The sponsoring union has examined two witnesses they are WW-1, Raja Babu Chouhan and WW-2, Suma Devi.

The WW-1, Raja Babu Chouhan has deposed that his father was working as Driver under the Dobari Colliery of M/s. BCCL and he died on 15/08/1999 and at the time of death of his father his age was 13 years. He has also deposed that his mother Smt. Suma Devi had submitted an application before the management that her son was 13 years old, so after keeping him under live roster she would be paid monetary compensation as per rules and regulations and the management after considering her application granted monetary compensation to her but his name was not kept in live roster. He has also stated after attaining the age of 18 years he had submitted an application to the management on 17/09/2004 with all relevant documents for providing him employment as the monetary compensation of her mother was stopped. He has further stated that there is a provision under NCWA that if the dependent of any deceased is aged about 12 years at the time of death of his father he would be kept on live roster and till then her mother would be provided monetary compensation till his attainment of the age of 18 years. He has further stated that his father had submitted an application during his life time on 23/11/1992 for recording his name as his son aged about 6 years but his name was not recorded in the service excerpts. He has also stated that he is son of deceased Ram Prasad Chouhan and his name has been mentioned in family list, Adhaar Card and other documents. He has also deposed that on the application of his mother for keeping him live roster, the management has wrongly mentioned his age as 11 years at the time of death of his father.

In the cross-examination he has stated that his father died on 15/08/1999 and he has two mothers namely Suma Devi and Parbati Devi. He has also stated that he is son of Suma Devi. He has denied the suggestion that Suma Devi had mentioned that she had no son, and son of Parbati Devi be given job. He has further stated that after death of his father his mother Parbati applied for job but it was regretted and subsequently his mother Suma Devi applied for job and it was also regretted but Suma Devi got monetary compensation in lieu of job. He has also stated that he was 13 years old at the time of his father death.

The WW-2, Suma Devi has deposed that her husband Late Ram Prasad Chouhan was Driver in Dobari Colliery and he died on 15/08/1999 while in service. She has also deposed that her husband had solemnised two marriages and she is the first wife and Parbati Devi is the second wife. She has also stated that since she had no son, so her husband had solemnised second marriage with Parbati Devi and Raja Babu Chouhan is the son of Parbati Devi. She has also stated that at the time of death of her husband Raja Babu Chouhan was 13 years old as his date of birth is 09/07/1986. She has further stated that she had applied for monetary compensation before the management and keeping her son name Raja Babu Chouhan in live roster but the management had accepted her request for monetary compensation but refused to keep name of Raja Babu Chouhan in live roster of the company as Raja Babu Chouhan was 11 years old. She has further stated that her husband had submitted an application in his life time before the management on 23/11/1992 for recording the name of his son Raja Babu Chouhan in the service excerpts and in that letter he had mentioned the age of Raja Babu Chouhan as 6 years. she has also stated that Raja Babu Chouhan has filed an application on 17/09/2004 before the management after attaining majority for employment but the management had not provided any employment to him. She has also deposed that the name of Raja Babu Chouhan is mentioned in his family record and Adhaar Card. She has also deposed that she had submitted an application before the management to stop monetary compensation to her and to provide employment to the Raja Babu Chouhan.

In the cross-examination she has stated that after the death of her husband she had applied for job but she was not provided any job. She has also deposed that the applicant is not her biological son and she got monetary compensation in lieu of husband's death. She has also stated that she could not say whether she had mentioned in her application the age of the applicant as 8 years. She has further stated that when her application for job was rejected the second wife of her husband applied for job but the same was rejected.

8. The management has examined only one witness. He is Rana Santosh Kumar Singh.

The MW-1, Rana Santosh Kumar Singh has deposed before the Tribunal that he was working at Dobari colliery of M/s. BCCL, Dhanbad as Sr. Officer (Personnel & Administration) and Late Ram Prasad Chouhan was an employee of Dobari Colliery as H.V. Driver where he expired on 15/08/1999. He has also stated that Late Ram Prasad Chouhan had filled up service excerpt on 22/01/1988 containing the details of his family member in which the name of Raja Babu Chouhan had not been entered. He has also stated that after the death of Late Ram Prasad Chouhan his wife namely Suma Devi had applied for employment in place of her husband but the same was regretted after examining the application form and relevant documents as her age was 48 years at the time of death of her husband, so monetary compensation was granted to her @ Rs. 3000/- per month till attaining the age of 60 years. He has also stated that

second wife of Late Ram Prasad Chouhan namely Parbati Devi had also applied for employment in place of her deceased husband which was also regretted as second wife did not come under the definition of family. He has further deposed that Raja Babu Chouhan had applied for employment on 17/09/2004 which was examined properly and it was found that the age of Sri Raja Babu Chouhan was 8 years on the date of death of his father Late Ram Prasad Chouhan. He has also deposed that it is not a fact that Smt. Suma Devi, first wife of deceased workman had represented before the management for keeping the name of Raja Babu Chouhan in live roster on 20/04/2002. He has also stated that Suma Devi first wife of the deceased workman had availed monetary compensation till the attaining her age of 60 years in lieu of employment, so question for providing employment to Raja Babu Chouhan does not arise.

In the cross-examination he has deposed that he had no information that the deceased workman had submitted a list mentioning the name of his son and daughter for including in the live roster and the provision of NCWA is not applicable in this case as the son of the deceased was 8 years. He has denied the suggestion that at the time of death of workman, his son was aged about 13 years. He has also deposed that the first wife had applied for job but it was rejected as she was 48 years old and she was granted monetary compensation and subsequently second wife of deceased workman also applied for job and the same was also rejected. He has also stated that the wife of deceased workman was taking monetary compensation, so his son's claim for employment was not considered. He has denied the suggestion that the first wife of the deceased was forcefully paid monetary compensation without giving job.

9. The sponsoring union has proved the following documents in support of his case which are marked as:-

Exhibit W-1-Photo Copy of Application dated 23/11/1992 regarding recording the name his children in service excerpts.

Exhibit W-2- Photo Copy of Death Certificate No. 087310 of Ram Prasad Chouhan.

Exhibit W-3- Photo Copy of Letter dated 03/05/2000 of Project Officer, Dobari Colliery addressed to Smt. Parbati Devi.

Exhibit W-4- Photo Copy of Application dated 20/04/2002 of Smt. Suma Devi addressed to Project officer, Dobari Colliery.

Exhibit W-5- Photo copy of Application dated 17/09/2004 of Raja Babu Chouhan addressed to Project Officer, Dobari Colliery-IX regarding employment.

Exhibit W-6- Photo Copy Family Certificate issued by BDO, Jharia, dated 01/07/2004.

Exhibit W-7- Photo Copy of letter dated 27/04/2002 of Project Officer, Dobari Colliery addressed to Smt. Suma Devi regarding grant of monetary compensation.

Exhibit W-8- Photo Copy of Letter dated 11/12.07.2007 of Cheif Personnel manager (IR), BCCL addressed to Dy. Chief Personnel Manager, Bastacolla Area regarding request for offering employment to Sri Raja Babu Chouhan dependent son of Late Ram Prasad Chouhand of Dobari Colliery.

Exhibit W-9- Photo Copy of affidavit of Suma Devi w/o deceased employee dated 28/05/2001.

Exhibit W-10- Photo Copy of affidavit of Parbati Devi w/o deceased employee dated 28/05/2001.

10. The management has proved the following documents in support of its case which are marked as:-

Exhibit M-1- Photo Copy of Service Excerpt of Late Ram Prasad Chouhan.

Exhibit M-2- Photo Copy of affidavit dated 30/11/1999 of Smt. Suma Devi, first wife of Late Ram Prasad Chouhan in which the age of Raja Babu Chouhan has been mentioned as 8 years.

Exhibit M-3- Photo Copy of Settlement between both wives of Late Ram Prasad Chouhan made on 24/12/1999 in which the age of Raja Babu Chouhan has been mentioned as 8 years.

Exhibit M-4- Photo Copy of affidavit dated 28/05/2001 of Smt. Suma Devi in which the age of Raja Babu Chouhan has been mentioned as 13 years.

Exhibit M-5- Photo Copy of letter dated 11/12.4.02 of Personnel Manager (MP&R) addressed to Dy. C.P.M., Bastacolla Area reiterating the earlier decision for payment of monetary compensation.

Exhibit M-6- Photo Copy of Application for employment to Smt. Parbati Devi in which age of Raja Babu chouhan has been mentioned as 8 years.

11. The representative of the union has submitted before the Tribunal that Late Ram Prasad Chouhan was an employee of Dobari Colliery and he expired on 15/08/1999. He has also submitted that after death of Late Ram Prasad Chouhan his first wife applied for employment in place of deceased husband which was regretted on the account of her age of 45 years, so the management had provided the monetary compensation of Rs. 3000/- per month

till the attaining the age of 60 years and keeping the name of Raja Babu Chouhan in live roster. He has also submitted that after attaining the age of 18 years Raja Babu Chouhan the dependent son of deceased employee applied for employment on 17/09/2004 but the management in violation of NCWA had not provided employment to him. He has also submitted that WW-1 Raja Babu Chouhan and WW-2 Suma Devi, wife of Late Ram Prasad Chouhan in their evidence have supported the case. He has also submitted that the deceased employee during his life time had submitted an application to the management (Exhibit W-1) on 23/11/1992 for recording the name of his son Raja Babu Chouhan and his daughter Rajani Kumari in the service record but the same was not done. He has also submitted that Raja Babu Chouhan was dependent son of deceased employee and he was aged about 13 years at the time of death of his father but the management had not been providing job to him as per clause 9.3.2 of NCWA.

12. On the other hand the learned lawyer of management has submitted that Late Ram Prasad Chouhan had not mentioned the name of his son Raja Babu Chouhan in any record of the Colliery like service excerpt, P.F. Nomination form and in his family description/particulars. He has also submitted that Smt. Suma Devi, first wife of Late Ram Prasad Chouhan had applied for employment in place of her deceased husband which was regretted on the ground of her age of 45 years but she was paid Rs. 3000/- per month as monetary compensation in lieu of employment. He has further submitted that second wife of Late Ram Prasad Chouhan has also applied for employment in place of her deceased husband but the same was regretted on the ground that second wife did not come under the definition of family. He has also argued that Raja Babu Chouhan had applied for employment on 17/09/2004 which was examined properly and was found that the age of Raja Babu Chouhan was 8 years at the time of death of his father as per affidavit submitted by both the wives of Late Ram Prasad Chouhan. He has further submitted that Raja Babu Chouhan is not the son of first wife namely Smt. Suma Devi but he is the son of second wife Smt. Parbati Devi. He has also argued that the Suma Devi had availed monetary compensation from 2002 to 2012 till the age of 60 years in place of employment of her deceased husband, so the question for providing further employment to her son namely Raja Babu Chouhan does not arise.

13. Now the only point of determination in this reference is whether the action of management of Dobari Colliery of M/s. BCCL is not providing employment to Sri Raja Babu Chouhan, dependent son of Late Ram Prasad Chouhan under the provision of NCWA-VI is fair and justified and to what relief he is entitled to?

#### **FINDINGS**

14. At the outset of discussion it is required to mention here that it is an admitted fact that Late Ram Prasad Chouhan was an employee of Dobari Colliery of M/s. BCCL and he died on 15/08/1999 while in service.

It is an admitted fact that after death of Late Ram Prasad Chouhan his first wife namely Suma Devi had been given monetary compensation of Rs. 3000/- per month till attaining her age of 60 years.

15. Now, the question arises whether the Raja Babu Chouhan, dependent son of Late Ram Prasad Chouhan was kept on live roster after death of Late Ram Prasad Chouhan as per NCWA-VI ?

16. In this regard WW-1 who is Raja Babu Chouhan has deposed that at the time of death of his father he was 13 years old, so his mother had submitted an application to the management for keeping him under live roster for employment. He has further deposed that on the application of his mother she was given monetary compensation and he was kept on live roster but after attaining the age of 18 years he had submitted an application for employment on 17/09/2004 which was rejected. He has also stated that his father had submitted an application during his life time on 23/11/1992 to the management for recording his name in the service book. In the cross-examination he has deposed that he has two mothers namely Suma Devi and Parbati Devi and his mother is Suma Devi. He has deposed that he was 13 years old when his father died.

The WW-2, Suma Devi has deposed that she is the first wife of the deceased husband namely Late Ram Prasad Chouhan and Parbati Devi is his second wife. She has also stated that since she had no son, so her husband had solemnised second marriage with Parbati Devi and Raja Babu Chouhan is the son of Parbati Devi. She has also stated that at the time of death of her husband, Raja Babu Chouhan was 13 years old and his date of birth is 09/07/1986. She has further deposed that she had applied for employment keeping name of her son, Raja Babu Chouhan on live roster and management had accepted her request for monetary compensation but refused to keep name of Raja Babu Chouhan on live roster of the company as Ram Babu Chouhan was 11 years old. She has also deposed that her husband had submitted an application during his life time on 23/11/1992 for recording the name of Raja Babu Chouhan aged about 6 years in the service excerpts. She has also stated that Raja Babu Chouhan had submitted an application on 17/09/2004 which was refused by the management. In the cross-examination she has deposed that after death of her husband she got monetary compensation in lieu of employment.

The MW-1, Rana Santosh Kumar Singh has deposed that Late Ram Prasad Chouhan had filled up service excerpts on 22/01/1998 containing the details of his family member in which the name of Raja Babu Chouhan had not been entered. He has also deposed that after death of Ram Prasad Chouhan his wife Suma Devi applied for employment in place of her husband and the same was regretted but she was granted monetary compensation of Rs. 3000/- per month till the attaining of the age of 60 years. He has further deposed that Raja Babu Chouhan had applied for employment



on 17/09/2004 which was examined properly and it was found the age of Raja Babu Chouhan was 8 years on the date of death of his father late Ram Prasad Chouhan. In the cross-examination he has deposed that the dependent son of the deceased was 8 years, so as per NCWA he is not entitled for employment.

17. Now, coming to the documentary evidence of the sponsoring union it appears that Exhibit W-1 is a photo copy of letter dated 23/11/1992 written by Ram Prasad Chouhan addressed to Dy. Chief Mining Manager, Dobari Colliery in which request had been made for recording the name of Raja Babu Chouhan aged about 6 years and his daughter Rajini Kumari aged about 4 years name in his service excerpt, Exhibit W-2 is the photo copy of death certificate of Ram Prasad Chouhan, who died on 15/08/1999, Exhibit W-3- is a photo copy of letter of Project Officer Dobari colliery addressed to Smt. Parbati Devi requesting her to submit an explanation regarding difference of her age mentioned in the service excerpt of deceased workman and in the affidavit submitted by her, regarding second wife of deceased and regarding name of son not mentioned in service excerpt, Exhibit W-4 is a photo copy of letter written by Suma Devi to Project Officer, Dobari Colliery on 20/04/2002 requesting him to provide employment to her son Raja Babu Chouhan after attaining 18 years of age after two years and six months, Exhibit W-5 is the photo copy of letter of Raja Babu Chouhan addressed to Project Officer on 17/09/2004 making claim of employment after attaining the age of 18 years, Exhibit W-6 is the photo copy of family list issued by B.D.O., Jharia on 01/07/2004 mentioning the age of Raja Babu Chouhan as 18 years, Exhibit W-7 is the photo copy of letter of Project Officer addressed to Suma Devi mentioning therein that on the basis of report of Mukhiya the age of dependent son of deceased was assessed as 11 years at the time of death of his father, so request for keeping the son of deceased workman on live roster was rejected and monetary compensation of Rs. 3000/- was granted to her till the attainment of 60 years of age, Exhibit W-8 is the photo copy of letter of Chief Personnel Manager(IR) dated 11/12-07-07 addressed to Dy. Chief Personnel Manager requesting to offer employment to Sri Raja Babu Chouhan in Dobari Colliery, Exhibit W-9 is the photo copy of affidavit of Suma Devi dated 28/05/2001 mentioning the age of Raja Babu Chouhan as 15 years and Exhibit W-10 is the photo copy of affidavit of Parbati Devi dated 28/05/2001.

18. The documentary evidence of management shows that Exhibit M-1 is photo copy of service excerpts of Late Ram Prasad Chouhan in which name of Raja Babu Chouhan has not mentioned, Exhibit M-2 is the photo copy of affidavit of Suma Devi dated 30/11/1999 mentioning therein that the age of Raja Babu Chouhan as 8 years, Exhibit M-3 is the photo copy of settlement between both the wives of deceased Late Ram Prasad Chouhan on 24/12/1999 mentioning the age of Raja Babu Chouhan as 8 years, Exhibit M-4 is the photo copy of affidavit of Suma Devi on 28/05/2001 mentioning the age of Raja Babu Chouhan as 13 years, Exhibit M-5 is the photo copy of letter of Personnel Manager (MP&R) addressed to Dy. C.P.M. Bastacolla Area regarding payment of monetary compensation in lieu of employment to Suma Devi and Exhibit M-6 is the photo copy of application form for employment submitted by the Parbati Devi mentioning the age of Raja Babu Chouhan as 8 years.

19. After analysing the service excerpts of the workman Late Ram Prasad Chouhan it is quite apparent that name of Raja Babu Chouhan has not been mentioned in it. Further the Exhibit M-2, M-3 and M-6 show that the age of Raja Babu Chouhan in the year 1999 was 8 years. Moreover the Exhibit M-5 shows that after scrutiny, the age of Raja Babu Chouhan was found 11 years on 12/04/2002. The Exhibit W-1, is a letter addressed by deceased Ram Prasad Chouhan on 23/11/1992 for entering the name of Raja Babu Chouhan in the service excerpts and in that letter age of Raja Babu Chouhan had been mentioned as 6 years.

20. At this stage it is required to mention here that Suma Devi the wife of deceased Ram Prasad Chouhan had sworn an affidavit on 30/11/1999 which is Exhibit M-2, mentioning the age of Raja Babu Chouhan as 8 years. Further in the settlement paper between Suma Devi and Parbati Devi, both the wives of deceased workman, which is Exhibit M-2, the age of Raja Babu Chouhan has been mentioned as 8 years. Moreover Parbati Devi in her application for employment before the management, which is Exhibit M-6, has mentioned the age of Raja Babu Chouhan as 8 years. Whereas the Exhibit W-1, shows that the age of Raja Babu Chouhan in the year 1992 was 6 years.

21. Since, in the affidavit dated 30/11/1999, Suma Devi has mentioned the age of Raja Babu Chouhan as 8 years and in application dated 24/12/1999 of Parbati Devi for employment, age of Raja Babu Chouhan has been mentioned as 8 years., so it is not probable that the age of Raja Babu Chouhan was 6 years in the year 1992. If Raja Babu Chouhan was of age 6 years in the year 1992, her mother Parwati Devi and step mother Suma Devi would not have mentioned his age 8 years in 1999. Hence, the Exhibit W-1 is not reliable and trustworthy.

22. Moreover, Suma Devi had sworn an another affidavit on 28/05/2001 which are marked as Exhibit W-9 and Exhibit M-4, in which different age of Raja Babu Chouhan has been mentioned. Hence, the affidavit of Suma Devi with regard to the age of Raja Babu Chouhan as 15 years is also not trustworthy.

23. Now, after considering all the facts and circumstances of this case the Tribunal comes to the conclusion that at the time of death of deceased workman Late Ram Prasad Chouhan on 15/08/1999 the age of his son Raja Babu Chouhan was less than 12 years, so he was not entitled for keeping on live roster.

24. In view of such fact, the action of the management of Dobari Colliery of M/s. BCCL in not providing employment to Raja Babu Chouhan as per NCWA-VI is fair and justified.

Hence, Raja Babu Chouhan is not entitled for any relief.

This is the Award of this Tribunal.

Dictated and Corrected by me

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 2022

**का.आ. 988.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण — सह — श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 29/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/09/2022 को प्राप्त हुआ था।

[सं. एल-20012/103/2005-आई.आर. (सी.-I)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th October, 2022

**S.O. 988.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 29/2006**) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on 29/09/2022.

[No. L-20012/103/2005-IR (C-I)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 29/2006**

Employer in relation to the management of Kustore Area of M/s. BCCL

AND

Their workman.

Present : **Shri Dinesh Kumar Singh** Presiding Officer.

#### **Appearances:**

For the Employers :- Sri A.K. Singh, Advocate.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 31/08/2022

#### **AWARD**

By Order No.L-20012/103/2005- IR (C-I) dated 19.12.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Bihar Colliery Kamgar Union from the management of BCCL, Kustore Area, that Sh. Ramesh Ram may be given employment under the provisions of NCWA, as dependant son of late Sh. Manna Ram, Helper justified? If so, to what relief is the said Sh. Ramesh Ram entitled?”**

2. This reference is received on 13/02/2006 by this Tribunal in which the Secretary, Bihar Colliery Kamgar Union, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the workwoman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but the union/workman did not appear before the Tribunal. Further the management has appeared on certain dates. Thereafter again regd. notice was issued to workman/union but even then no one appeared on behalf of workman/union. Now the case is pending since 13/02/2006 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 2022

**का.आ. 989.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजन और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 37/2006)** को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/09/2022 को प्राप्त हुआ था।

[सं. एल-20012/161/2005-आई.आर. (सी.-I)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th October, 2022

**S.O. 989.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 37/2006**) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on 29/09/2022.

[No. L-20012/161/2005-IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 37/2006**

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman.

Present : **Shri Dinesh Kumar Singh** Presiding Officer.

**Appearances:**

For the Employers :- None.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 30/08/2022

**AWARD.**

By Order No.L-20012/161/2005- IR (C-I) dated 23.01.2006 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Janta Mazdoor Sangh from the management of BCCL, Kusunda Area for promotion of Shri Yogeshwar Tiwary attendance clerk to Gr.I is justified? If so, to what relief is the workman entitled and from what date?”**

2. This reference is received on 13/02/2006 by this Tribunal in which the Vice President, Janta Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the workwoman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now the case is pending since 13/02/2006 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 2022

**का.आ. 990.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 64/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/09/2022 को प्राप्त हुआ था।

[सं. एल-20012/23/2005-आई.आर. (सी.-I)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th October, 2022

**S.O. 990.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2005) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on **29/09/2022**.

[No. L-20012/23/2005-IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 64/2005**

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman.

Present : **Shri Dinesh Kumar Singh** Presiding Officer.

**Appearances:**

For the Employers :- None.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 31/08 /2022

**AWARD.**

By Order No.L-20012/23/2005- IR (C-I) dated 19.07.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub -section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Godhur Colliery under Kusunda Area of M/s. BCCL in dismissing Sri Baneshwar Manjhi, Miner Loader of Godhur Colliery w.e.f. 16.1.04 is just and proper? If not, to what relief is the workman entitled?”**

2. This reference is received on 22/08/2005 by this Tribunal in which the Vice President, Bihar Colliery Kamgar Union, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now the case is pending since 22/08/2005 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 2022

**का.आ. 991.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 86/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/09/2022 को प्राप्त हुआ था।

[सं. एल-20012/45/2006-आई.आर. (सी.-I)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th October, 2022

**S.O. 991.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 86/2006) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on 29/09/2022.

[No. L-20012/45/2006-IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 86/2006**

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman.

Present: **Shri Dinesh Kumar Singh** Presiding Officer.

**Appearances:**

For the Employers :- None.

For the workman. :- Sri K.N. Singh, Representative.

State : Jharkhand.

Industry:- Coal

Dated 31/08 /2022

**AWARD**

By Order No.L-20012/45/2006- (IR(CM-I)) dated 30.08.2006 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Janta Mazdoor Sangh from the management of BCCL, Kusunda Area that Sh. Sobrati Ansari may be regularised as ‘Bill Clerk’ justified? If so, to what relief is the workman entitled and from what date?”**

2. This reference is received on 15/09/2006 by this Tribunal in which the Vice President, Janta Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the workwoman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed and workman/union appeared on 26/04/2007, 24/03/2022 and 06/05/2022 but the management has failed to appear before the Tribunal. Further in course of hearing of the case, the Representative of Sponsoring Union Sri K.N. Singh Prasad has informed that workman/union is not interested to contest the case. In view of such it is felt that the workman/union has lost its interest in this matter. Hence “No Claim” award is passed. communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 2022

**का.आ. 992.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 83/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/09/2022 को प्राप्त हुआ था।

[सं. एल-20012/474/2000-आई.आर. (सी.-I)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th October, 2022

**S.O. 992.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 83/2002**) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on 29/09/2022.

[No. L-20012/474/2000-IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 83/2002**

Employer in relation to the management of Bagdigi Colliery of M/s. BCCL, Dhanbad.

AND

Their workman.

Present: **Shri Dinesh Kumar Singh** Presiding Officer.

**Appearances:**

For the Employers :- Sri D. K. Verma, Advocate.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 31/08 /2022

**AWARD.**

By Order No.L-20012/474/2000-IR(C-I) dated 25.07.2002 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub -section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Rashtriya Colliery Mazdoor Sangh from the management of BCCL, Bagdigi Colliery that the workman Sh. Jamuna Choubey (Since retired) should have been referred to apex medical board in the year 1994 and given the benefit of the provision of NCWA for employment to his dependent son is just, fair and reasonable? If so, to what relief is the workman or his dependent entitled?”**

2. This reference is received on 02/08/2002 by this Tribunal in which the Vice President RCMS, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the workman/union did not appear before the Tribunal. However, after receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently workman/union left appearing before this Tribunal. Thereafter, again regd. notice was issued to both the parties but the notice issued to union returned with endorsement “Addressee Left”. Now this case is pending since 02/08/2002 and workman/union is not appearing before Tribunal, so it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 2022

**का.आ. 993.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल.के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 87/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/09/2022 को प्राप्त हुआ था।

[सं. एल-20012/99/2004-आई.आर. (सी.-I)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th October, 2022

**S.O. 993.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 87/2004) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on 29/09/2022.

[No. L-20012/99/2004-IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 87/2004**

Employer in relation to the management of Jairam Colliery of M/s. BCCL

AND

Their workman.

Present : **Shri Dinesh Kumar Singh** Presiding Officer.

**Appearances:**

For the Employers :- Sri D.K. Verma, Advocate.

For the workman. :- Sri R.R. Ram, Representative.

State : Jharkhand.

Industry:- Coal

Dated 31/08 /2022

**AWARD.**

By Order No.L-20012/99/2004-IR(C-I) dated 01.09.2004 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

“क्या भारत को को लि, जयरामपुर कोलियरी के प्रबंधतंत्र द्वारा दिनांक 11.01.2003 से कर्मकार श्री आज़ाद उरांग, भा./लो. को सेवा से बर्खास्त किया जाना उचित, विधिवत एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं?”

2. This reference is received on 14/09/2004 by this Tribunal in which the Joint General Secretary, Bahujan Mazdoor Union, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed and both the parties appeared for certain dates. Further during the pendency of the case, the Representative of concerned workman Sri R. R. Ram appeared on 19/04/2022 and filed a withdrawal petition along with few documents stating therein that the concerned workman has been reinstated and consequently he had joined his duty on 28/03/2011 vide Ref. No. BCCL/A/JOY/180, dated 28/03/2011. The representation of concerned workman has prayed for withdrawal of the dispute which is allowed. Hence “No Claim” Award is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 2022

**का.आ. 994.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 13/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/09/2022 को प्राप्त हुआ था।

[सं. एल-20012/149/2005-आई.आर. (सी.-I)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th October, 2022

**S.O. 994.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 13/2006**) of the **Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on 29/09/2022.

[No. L-20012/149/2005-IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

**Reference: No. 13/2006**

Employer in relation to the management of Barora Area-I of M/s. BCCL

AND

Their workman.

Present : **Shri Dinesh Kumar Singh** Presiding Officer.

**Appearances:**

For the Employers :- None.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 30/08 /2022

**AWARD.**

By Order No.L-20012/149/2005- IR (C-I) dated 19.12.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:



**SCHEDULE**

**“Whether the action of the management of BCCL, Brora Area-I to dismiss Sri Anil Kumar Bouri from service vide letter dt. 23.5.03 is just, fair and legal? If not, to what relief is Sri Anil Kumar Bouri entitled?”**

2. This reference is received on 02/01/2006 by this Tribunal in which the General Secretary, Bihar Colliery Kamgar Union, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the workwoman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now the case is pending since 02/01/2006 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate

D. K. SINGH, Presiding Officer